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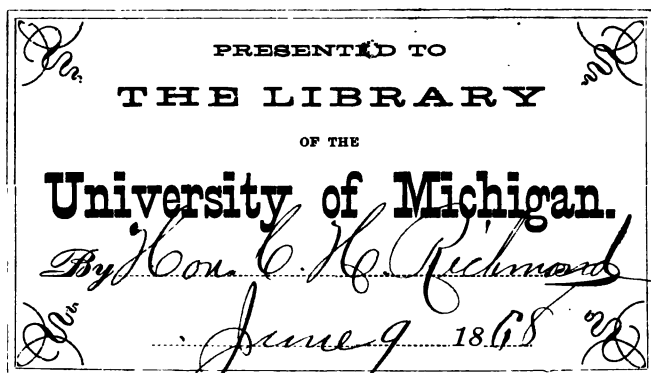
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# HOUSE JOURNAL

OF THE

LEGISLATIVE ASSEMBLY

OF THE

# STATE OF KANSAS,

BEGUN AND HELD AT TOPEKA,

On Tuesday, January 12th, A. D. 1864.

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1864.

# HOUSE JOURNAL

LEGISLATIVE ASSEMBLY

1901

## STATE OF KANSAS

OFFICE OF THE CLERK

TO THE HOUSE OF REPRESENTATIVES

PRINTED BY THE CLERK

W. A. WALKER, CLERK

PRINTED AT THE OFFICE OF THE CLERK

W. A. WALKER, CLERK

1901

# House Journal

TOPEKA, KANSAS,  
TUESDAY, JANUARY 12, 1864.

This, being the day designated by the constitution for the meeting of the Legislature, the House of Representatives of the State of Kansas was called to order, at 12 o'clock, M., by Hon. W. W. H. Lawrence, Secretary of State, who read a list of the members to whom certificates of election had been issued.

On motion, Mr. Wakefield was chosen temporary chairman of the House.

On motion, Mr. Wood was chosen temporary clerk.

The members were requested to come forward within the bar, and be sworn.

The following oath was then administered to the following named gentlemen, by the Hon. Judge Crozier, Chief Justice of the Supreme Court, which oath was respectively subscribed by them:

"You and each of you do solemnly swear, in the presence of Almighty God, that you will support the constitution of the United States, the constitution of the State of Kansas, and faithfully perform your duties as members of the House of Representatives of the State of Kansas, to the best of your ability. So help you God."

From the first Representative District, J. P. JOHNSON

From the second district, J. W. FOREMAN

From the third district, F. H. DRENNING

From the fourth district, C. D. GAST

From the fifth district, J. W. FOREMAN

From the sixth district, C. W. CHICK

From the seventh district, JACOB SAGER

From the eighth district, A. A. WATKINS

From the ninth district, B. W. WILLIAMS.  
 From the tenth district, J. C. BATSELL.  
 From the eleventh district, I. J. LACOCK.  
 From the twelfth district, GEO. E. IRWIN.  
 From the thirteenth district, RICHARD A. ADLEY.  
 From the fourteenth district, J. S. HODGEN.  
 From the fifteenth district, J. D. BRUMBAUGH.  
 From the sixteenth district, G. H. HOLLINBERG.  
 From the seventeenth district, O. J. GROVER.  
 From the nineteenth district, C. A. BUCK.  
 From the twentieth district, E. M. HUTCHINS.  
 From the twenty-first district, M. BARNES.  
 From the twenty-second district, WILLIAM FREELAND.  
 From the twenty-third district, JOSIAH KELLOGG.  
 From the twenty-fourth district, GEO. A. MOORE.  
 From the twenty-fifth district, J. B. LAING.  
 From the twenty-sixth district, J. W. CRAIG.  
 From the twenty-seventh district, G. R. HOUTS.  
 From the twenty-ninth district, S. TROWER.  
 From the thirtieth district, B. H. TWOMBLY.  
 From the thirty-first district, M. W. BOTTOM.  
 From the thirty-second district, C. H. STRATTON.  
 From the thirty-third district, D. G. CAMPBELL.  
 From the thirty-fourth district, HARRY McBRIDE.  
 From the thirty-fifth district, T. J. STERNBERG.  
 From the thirty-sixth district, J. S. EMERY.  
 From the thirty-seventh district, CLARKSON REYNOLDS.  
 From the thirty-eighth district, A. THOMAS.  
 From the thirty-ninth district, J. A. WAKEFIELD.  
 From the fortieth district, WM. DRAPER.  
 From the forty-first district, J. F. CUMMINGS.  
 From the forty-second district, HENRY FOX.  
 From the forty-third district, WM. CHESTNUT.  
 From the forty-fourth district, T. H. ELLIS.  
 From the forty-fifth district, W. G. McCULLOCH.  
 From the forty-sixth district, WILLIAM SNOOKS.  
 From the forty-seventh district, J. H. BELDING.  
 From the forty-eighth district, SAM. AYERS.

From the forty-ninth district, JEFF. FLEMING.  
 From the fiftieth district, WILLIAM STONE.  
 From the fifty-first district, R. B. STEVENS.  
 From the fifty-second district, D. R. COBB.  
 From the fifty-third district, J. C. MILLER.  
 From the fifty-fourth district, D. ROGERS.  
 From the fifty-fifth district, J. M. EVANS.  
 From the fifty-sixth district, — HINER.  
 From the fifty-seventh district, BENJ. M. LINGO.  
 From the fifty-eighth district, ISAIAH PILE.  
 From the fifty-ninth district, JAMES W. SMITH.  
 From the sixtieth district, JAMES ROGERS.  
 From the sixty-first district, JOB THROCKMORTON.  
 From the sixty-second district, W. R. SAUNDERS.  
 From the sixty-third district, A. W. PICKERING.  
 From the sixty-fourth district, C. V. ESKRIDGE.  
 From the sixty-fifth district, A. K. HAWKS.  
 From the sixty-sixth district, JOSEPH FROST.  
 From the sixty-seventh district, — PICKERING.  
 From the sixty-eighth district, A. L. ALFORD.  
 From the sixty-ninth district, S. N. WOOD.  
 From the seventieth district, D. M. JOHNSTON.  
 From the seventy-first district, P. Z. TAYLOR.  
 From the seventy-second district, B. E. FULLINGTON.  
 From the seventy-third district, T. F. FERRY.  
 From the seventy-fourth district, H. L. JONES.  
 From the seventy-fifth district, JAMES KENNER.  
 On motion of Mr. Chick, the House proceeded to the election of Speaker.  
 Mr. Chick nominated Mr. Kellogg, of Leavenworth county.  
 The roll being called, the following was the result:  
 Kellogg, 69;  
 Saunders, 2.  
 Those voting for Kellogg were: Alford, Ayers, Barnes (8th district), Barnes (21st district), Bates,  
 Biggs, Bonnell, Bottom, Brubaker, Buchanan, Buck, Camp, Campbell,  
 Cavender, Chestnut, Craig, Cobb, Cummings, Donahoe, Dressing,

Ellis, Emery, Eskridge, Evans; Fleming, Roman, Fox, Freeland, Frost, Fullington, Glick, Greer, Houts, Hawks, Hersey, Hidden, Hollinberg, Hutchins, Irwin, Johnson (1st district), Johnston (70th district), Jones, Kenner, Lacoock, Leing, Miller, Moore, McBride, McCulloch, Oran, Pickering, Rile, Reynolds, Rogers (54th district), Rogers (60th district), Saqui, Saunders, Smith, Snooks, Sternberg, Stevens, Stone, Stratton, Taylor, Thomas, Throckmorton, Trower, Twombly, Wakefield, Williams (9th district), Wood.

Messrs. Draper and Lingo voted for Mr. Saunders.

Mr. Kellogg voted for Mr. Draper.

Mr. Kellogg was declared duly elected Speaker of the House.

On motion of Mr. Lacoock,

A committee of two was appointed to conduct the Speaker elect to the chair.

The committee consisted of Messrs. Lacoock and Saunders.

The Speaker elect, on being conducted to the chair, returned thanks to the House for the honor, in the following words:

"Gentlemen of the House of Representatives—I avail myself of the occasion now presented, and feel it my duty, to express the deep impression I entertain for this renewed proof of confidence you have conferred upon me, and which not only commands my gratitude and thanks, but inspires within me a zeal and a wish to execute and conduct my office in a manner that may best meet your just expectations.

"Nor am I unmindful of the magnitude of the great trust that is imposed on me. I indulge in no vain hope that I shall always be right, or that I shall always meet your approbation in all my efforts so to do. But it will be my endeavor to discharge the duties that have devolved upon me as may be least liable to your censure; and, while I may be led astray through error of judgment, I hope it may never be through wrong motives and self-interest.

"Relying, then, upon this expression of your good will, I ask and expect the charity of your good opinion upon any decision of those acts and proceedings the responsibility of which entirely devolves upon me. I repair to the position which you have assigned me with some little experience of the difficulties that surround it, which causes me thus to seek the necessity of your kind indulgence and assistance therein.

"Gentlemen, we have assembled here to perform one of the highest and most responsible duties that fall on the servants of a representative government. We have assembled here to revise, amend and create [laws] that are to be the rule of our action to our constituents and ourselves.

"The position of law-giver, for all time, has been one of great responsibility and trust, and, coming directly from the people, as we do, to them we shall be held accountable for all and every act. It is our duty, then, to know and reflect them well. Let us perform the duties assigned us without favor or affection, hoping and expecting to receive our reward from an approving conscience and an approving constituency—the highest and noblest of all temporal rewards.

"Here let me close, by again profoundly acknowledging the honor you have done me."

On motion, the oath of office was administered to the Speaker by Judge Crozier.

Mr. Saunders offered the following resolution, which was adopted:

*Resolved*, That we now proceed to complete the organization of this House by electing, in the following order: 1. Speaker *pro tem*. 2. Chief Clerk; 3. Assistant Clerk; 4. Journal Clerk; 5. Docket Clerk; 6. Enrolling Clerk; 7. Engrossing Clerk; 8. Sergeant-at-Arms; 9. Assistant Sergeant-at-Arms; 10. Doorkeeper; 11. Two Pages.

On motion, the House adjourned until two o'clock, P. M.

#### AFTERNOON SESSION

Two o'clock, P. M.  
House called to order.

Speaker in the chair.

Quorum present.

The House proceeded to election of officers.

Mr. Stratton nominated Mr. Saunders for Speaker *pro tem*.

The roll being called, with the following result:

Saunders, 70.

Emery, 1.

Those voting for Mr. Saunders, were—

Alford, Ayers, Barnes (8th district), Barnes (21st district), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st district), Johnson (70th district), Jones, Kellogg, Kenner, Lacock, Laing, Lingo, Miller, Moore, McBride, McCulloch, Orem, Pickering, Pile, Reynolds, Rogers (54th district), Rogers (60th district), Saqui, Smith, Snook, Sternberg, Stevens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Wakefield, Williams (9th district), Wood.

Mr. Saunders voted for Mr. Emery.

Mr. Saunders having received a majority of all the votes cast, was declared duly elected Speaker *pro tem*.

Mr. Sternberg nominated A. R. Banks for Chief Clerk.

The roll being called, with the following result:

Banks, 72.

Those voting for Mr. Banks were—

Messrs. Alford, Ayers, Barnes (8th district), Barnes (21st district), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st district), Johnson (70th district), Jones, Kenner, Lacock, Laing, Lingo, Miller, Moore, McBride, McCulloch, Orem, Pickering, Pile, Reynolds, Rogers (54th district), Rogers (60th district), Saqui, ~~Saunders~~, Smith, Snook, Sternberg, Stevens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Wakefield, Williams (9th district), Wood, and Mr. Speaker.

Mr. Banks, having received a majority of all the votes cast, was declared duly elected Chief Clerk.



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Mr. Banks appeared and took the oath of office.

Mr. Hutchins nominated Mr. Oliver for Assistant Clerk.

The roll being called with the following result:

Oliver, 68.

Those voting for Mr. Oliver, were—

Messrs. Alford, Ayers, Barnes (8th district), Barnes (21st district), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson, (1st district), Johnston (70th district), Jones, Kenner, Lacock, Laing, Lingo, Miller, Moore, McBride, McCulloch, Orem, Pickering, Pile, Reynolds, Rogers (54th district), Rogers (60th district), Saqui, Saunders, Smith, Snook, Sternberg, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Wakefield, Williams (9th district), and Mr. Wood.

Mr. Oliver having received a majority of all the votes cast, was declared duly elected Assistant Clerk.

Mr. Oliver appeared and was sworn in.

Mr. Smith nominated Mr. Welsh for Journal Clerk.

The roll being called with the following result:

Welsh received 72.

Those voting for Mr. Welsh were—

Alford, Ayers, Barnes (8th district), Barnes (21st district), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hidden, Hersey, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st district), Johnston (70th district), Jones, Kenner, Lacock, Laing, Lingo, Miller, Moore, McBride, McCulloch, Orem, Pickering, Pile, Reynolds, Rogers (54th district), Rogers (60th district), Saqui, Saunders, Smith, Snook, Sternberg, Stevens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twambley, Wakefield, Williams (9th district), Wood.

Mr. Welsh having received a majority of all the votes cast, was declared duly elected Journal Clerk.

Mr. Thoman nominated Mr. Waldron for Docket Clerk.

The roll being called, the vote resulted as follows :

Mr. Waldron received 71.

Those voting for Mr. Waldron were—

Alford, Ayers, Barnes (8th district), Barnes (21st district), Belding, Batsell, Bottom, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st district), Johnston (70th district), Jones, Kenner, Lacock, Laing, Lingo, Miller, Moore, McBride, McCulloch, Orem, Pickering, Pile, Reynolds, Rogers (54th district), Rogers (60th district), Saqui, Saunders, Smith, Snook, Sternberg, Stevens, Stone, Stratton, Taylor, Thoman, Trower, Twombly, Wakefield, Williams (9th district), Wood.

Mr. Waldron having received a majority of all the votes cast, was duly declared elected Docket Clerk.

Mr. Eskridge nominated Mr. Lambdin for Enrolling Clerk.

The roll being called, the vote resulted as follows :

Lambdin, 70.

Those voting for Mr. Lambdin were—

Alford, Ayres, Barnes (8th district), Barnes (21st district), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st district), Johnston (70th district), Jones, Kenner, Lacock, Laing, Lingo, Miller, Moore, McBride, McCulloch, Orem, Pickering, Pile, Reynolds, Rogers (54th district), Rogers (60th district), Saqui, Saunders, Smith, Snook, Sternberg, Stevens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Williams (9th district), Wood.

Mr. Lambdin having received a majority of all the votes cast, was declared duly elected Enrolling Clerk.

Mr. Fox nominated Mr. Stees for Engrossing Clerk.

Mr. Reynolds nominated Mr. Vaughn.

Mr. Alford nominated Mr. Drinkwater.

The roll being called, the vote resulted as follows:

Mr. Stees, 8.

Mr. Vaughn, 25.

Mr. Drinkwater, 39.

Those voting for Mr. Drinkwater were—

Alford, Ayers, Barnes (21st district), Brumbaugh, Buck, Caven-  
der, Chestnut, Craig, Cobb, Donaldson, Eskridge, Evans, Freeland,  
Fullington, Grover, Hawks, Hersey, Houts, Hutchins, Johnston  
(70th district), Jones, Kenner, Laing, Lingg, Miller, Moore, Mc-  
Culloch, Pickering, Pile, Rogers (54th district), Saunders, Smith,  
Stevens, Stone, Stratton, Taylor, Throckmorton, Twombly and Wood.

Those voting for Mr. Vaughn were—

Belding, Bradley, Campbell, Draper, Drenning, Ellis, Emery,  
Fleming, Forman, Frost, Hidden, Hollinberg, Irwin, Johnson (1st  
district), Lacock, McBride, Orem, Reynolds, Rogers (60th district),  
Snooks, Sternberg, Thoman, Trower, Wakefield.

Those voting for Mr. Stees were—

Barnes (8th district), Batsell, Bottom, Camp, Cummings, Fox,  
Glick, Saqui, Williams (9th district).

Mr. Drinkwater, having received a majority of all the votes cast,  
was declared duly elected Engrossing Clerk.

Mr. Eskridge nominated Mr. Burgess for Sergeant at Arms.

The roll being called, the vote resulted as follows:

Burgess received 69.

Those voting for Mr. Burgess were—

Alford, Ayers, Barnes (8th district), Barnes (21st district), Beld-  
ing, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Caven-  
der, Chestnut, Craig, Cummings, Donaldson, Draper, Drenning,  
Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland,  
Frost, Fullington, Glick, Grover, Hawks, Hersey, Hidden, Hollin-  
berg, Hutchins, Irwin, Johnson (1st district), Johnston (70th dis-  
trict), Jones, Kenner, Lacock, Laing, Lingg, Miller, Moore, Mc-  
Bride, McCulloch, Orem, Pickering, Pile, Reynolds, Rogers (54th  
district), Rogers (60th district), Saqui, Saunders, Snook, Smith,  
Sternberg, Stevens, Stone, Stratton, Taylor, Thoman, Throckmorton,

Mr. Welsh having received a majority of all the votes cast, was declared duly elected Journal Clerk.

Mr. Thoman nominated Mr. Waldron for Docket Clerk.

The roll being called, the vote resulted as follows :

Mr. Waldron received 71.

Those voting for Mr. Waldron were—

Alford, Ayers, Barnes (8th district), Barnes (21st district), Belding, Batsell, Bottom, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st district), Johnston (70th district), Jones, Kenner, Lacock, Laing, Lingo, Miller, Moore, McBride, McCulloch, Orem, Pickering, Pile, Reynolds, Rogers (54th district), Rogers (60th district), Saqui, Saunders, Smith, Snook, Sternberg, Stevens, Stone, Stratton, Taylor, Thoman, Trower, Twombly, Wakefield, Williams (9th district), Wood.

Mr. Waldron having received a majority of all the votes cast, was duly declared elected Docket Clerk.

Mr. Eskridge nominated Mr. Lambdin for Enrolling Clerk.

The roll being called, the vote resulted as follows :

Lambdin, 70.

Those voting for Mr. Lambden were—

Alford, Ayres, Barnes (8th district), Barnes (21st district), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st district), Johnston (70th district), Jones, Kenner, Lacock, Laing, Lingo, Miller, Moore, McBride, McCulloch, Orem, Pickering, Pile, Reynolds, Rogers (54th district), Rogers (60th district), Saqui, Saunders, Smith, Snook, Sternberg, Stevens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Williams (9th district), Wood.

Mr. Lambdin having received a majority of all the votes cast, was declared duly elected Enrolling Clerk.

Mr. Fox nominated Mr. Stees for F

Mr. Reynolds nominated Mr. Vaughn.

Mr. Alford nominated Mr. Drinkwater.

The roll being called, the vote resulted as follows:

Mr. Stees, 8.

Mr. Vaughn, 25.

Mr. Drinkwater, 39.

Those voting for Mr. Drinkwater were—

Alford, Ayers, Barnes (21st district), Brumbaugh, Buck, Caven-  
der, Chestnut, Craig, Cobb, Donaldson, Eskridge, Evans, Freeland,  
Fullington, Grover, Hawks, Hersey, Houts, Hutchins, Johnston  
(70th district), Jones, Kenner, Laing, Lingo, Miller, Moore, Mc-  
Culloch, Pickering, Pile, Rogers (54th district), Saunders, Smith,  
Stevens, Stone, Stratton, Taylor, Throckmorton, Twombly and Wood.

Those voting for Mr. Vaughn were—

Belding, Bradley, Campbell, Draper, Drenning, Ellis, Emery,  
Fleming, Forman, Frost, Hidden, Hollinberg, Irwin, Johnson (1st  
district), Lacock, McBride, Orem, Reynolds, Rogers (60th district),  
Snooks, Sternberg, Thoman, Trower, Wakefield.

Those voting for Mr. Stees were—

Barnes (8th district), Batsell, Bottom, Camp, Cummings, Fox,  
Glick, Saqui, Williams (9th district).

Mr. Drinkwater, having received a majority of all the votes cast,  
was declared duly elected Engraving Clerk.

Mr. Eskridge nominated Mr. Burgess for Sergeant at Arms.

The roll being called, the vote resulted as follows:

Burgess received 69.

Those voting for Mr. Burgess were—

Alford, Ayers, Barnes (8th district), Barnes (21st district), Beld-  
ing, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Caven-  
der, Chestnut, Craig, Cummings, Donaldson, Draper, Drenning,  
Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland,  
Frost, Fullington, Glick, Grover, Hawks, Hersey, Hidden, Hollin-  
berg, Hutchins, Irwin, Johnson (1st district), Johnston (70th dis-  
trict), Jones, Kenner, Lacock, Laing, Lingo, Miller, Moore, Mc-  
Bride, McCulloch, Orem, Pickering, Pile, Reynolds, Rogers (54th  
district), Rogers (60th district), Saqui, Saunders, Snook, Smith,  
Sternberg, Stevens, Stone, Stratton, Taylor, Thoman, Throckmorton,

Trower, Twombly, Wakefield, Williams (9th district), and Wood.

Mr. Burgess, having received a majority of all the votes cast, was declared duly elected Sergeant-at-Arms.

Mr. Wood moved to indefinitely postpone the election of Assistant Sergeant-at-Arms.

Motion lost.

Mr. Thoman nominated Mr. Layman for Assistant Sergeant-at-Arms.

Mr. Stratton nominated Mr. Cobb.

The roll being called, the vote resulted as follows:

Mr. Layman received 15.

Mr. Cobb received 56.

Those voting for Mr. Layman were—

Ayers, Chestnut, Craig, Draper, Emery, Houts, Kenner, Laing, Moore, McCulloch, Rogers (54th district), Snook, Stevens, Thoman, Wakefield.

Those voting for Cobb were—

Alford, Barnes (8th district), Barnes (21st district), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Cobb, Cummings, Donaldson, Drenning, Ellis, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hersey, Hidden, Hollenberg, Hutchins, Irwin, Johnson (1st district), Johnston (70th district), Jones, Lacock, Lingo, Miller, McBride, Orem, Pickering, Pile, Reynolds, Rogers (60th district), Saqui, Saunders, Smith, Stevens, Stone, Stratton, Taylor, Throckmorton, Trower, Twombly, Wakefield, Williams (9th district) and Wood.

Mr. Cobb, having received a majority of all the votes cast, was declared duly elected Assistant Sergeant-at-Arms.

Mr. Ellis nominated Mr. Sweeting for Doorkeeper.

Mr. Brumbaugh nominated Mr. Crawford.

Mr. Glick nominated Mr. Detrick.

Mr. Cavender nominated Mr. Ridgway.

Mr. Eskridge nominated Mr. McIntire.

The roll being called, the vote resulted as follows:

Mr. Sweeting received 16.

Mr. Detrick received 37.

Mr. Ridgway received 5.

Mr. McIntire received 8.

Those voting for Mr. Sweeting were—

Alford, Ayres, Belding, Campbell, Chestnut, Ellis, Fox, Fullington, Grover, Houts, McBride, McCulloch, Snook, Stone, Thoman, Wood.

Those voting for Mr. Detrick were—

Barnes (8th district), Barnes (21st district), Batsell, Bradley, Brumbaugh, Buck, Camp, Craig, Cobb, Draper, Drenning, Evans, Forman, Fresland, Hersey, Hadden, Hollinberg, Hutchins, Irwin, Johnson (1st district), Jones, Lacoek, Laing, Miller, Moore, Reynolds, Rogers (54th district), Rogers (60th district), Sequi, Smith, Sternberg, Taylor, Trower, Twombly, Williams (9th district).

Those voting for Ridgway were—

Cavander, Emery, Fleming, Lingo, Stevens.

Those voting for McIntire were—

Cummings, Donaldson, Ekridge, Hawks, Johnston (70th district), Kenner, Pickering, Saunders, Wakefield.

Bottom and Throckmorton voted for Mr. Crawford.

Mr. Detrick, having received a majority of all the votes cast, was declared duly elected Doorkeeper.

The following message was received from the Senate:

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has completed its organization, by the election of the following officers, to fill vacancies, to wit:

JOHN T. MORTON, Secretary;

JOHN T. WEAVER, Assistant Secretary;

A. I. SHERWOOD, Journal Clerk;

W. F. COTTON, Docket Clerk;

and is now ready to proceed to business.

JOHN T. MORTON,

Secretary.

Mr. Wood nominated Mr. Campbell for Reger.

Mr. Wakefield nominated Mr. Miller.

Mr. Rogers nominated Mr. Griffith.

Mr. Thoman nominated Mr. Farnan.

Mr. Johnson (1st) nominated Mr. Steele.

The roll being called, the vote resulted as follows:

Mr. Miller received 46.

Mr. Campbell received 14.

Mr. Griffith received 40.

Mr. Farren received 34.

Mr. Steele received 9.

Those voting for Mr. Miller were—

Alford, Barnes (21st district), Belding, Batsell, Bottom, Bradley, Buck, Campbell, Cavender, Craig, Donaldson, Draper, Emery, Miller, Fox, Freeland, Frost, Glick, Grover, Hawks, Hersey, Hollinberg, Houts, Hutchins, Irwin, Johnston (70th district), Jones, Kenner, Lacock, Laing, Moore, McBride, Orem, Pile, Saqui, Smith, Stevens, Stratton, Taylor, Thoman, Throckmorton, Twombly, Wakefield, Williams (9th district).

Those voting for Mr. Campbell were—

Alford, Batsell, Craig, Cummings, Donaldson, Glick, Johnston (70th district), McCulloch, Saunders, Snook, Stone, Wakefield, Wood, Williams (9th district).

Those voting for Griffith were—

Ayers, Barnes (21st district), Belding, Camp, Chestnut, Cobb, Cummings, Drenning, Ellis, Eskridge, Fleming, Fox, Freeland, Frost, Fullington, Grover, Hollinberg, Houts, Johnson, (1st district), Jones, Kenner, Lacock, Laing, Lingo, Miller, Moore, McCulloch, Pickering, Pile, Reynolds, Rogers (60th district), Saqui, Smith, Snook, Stevens, Stone, Throckmorton, Trower, Twombly, Wood.

Those voting for Farren were—

Ayers, Barnes (8th district), Bottom, Bradley, Brumbaugh, Camp, Campbell, Cavender, Chestnut, Cobb, Draper, Ellis, Evans, Fleming, Forman, Fullington, Hawks, Hersey, Hidden, Hutchins, Irwin, Lingo, Miller, McBride, Pickering, Reynolds, Rogers (54th district), Rogers (60th district), Saunders, Sternberg, Stratton, Taylor, Thoman, Trower.

Those voting for Steele were—

Brumbaugh, Buck, Drenning, Evans, Hidden, Orem, Rogers (54th district), Forman.

Mr. Miller and Mr. Griffith, having received a majority of all the votes cast, were declared duly elected Pages.



Mr. Johnston, of the 1st district, offered the following resolution, which was, on motion, adopted:

*Resolved*, That the State Agricultural Society be allowed the use of this hall, this evening, for the purpose of holding the annual meeting of the society.

Mr. Brumbaugh offered the following resolution, which was, on motion, adopted:

*Resolved*, That the Chief Clerk of the House be instructed to inform the Senate that the House has organized by the election of Josiah Kellogg, of Leavenworth, Speaker, A. R. Banks, of Douglas county, Chief Clerk, and Burgess, of Douglas county, Sergeant-at-Arms, and are now ready to proceed to business.

Mr. Smith offered the following resolution, which was on motion adopted:

*Resolved*, That the Sergeant-at-Arms be directed not to allow any smoking in this hall during the session of the House, nor for two hours before the time to which the House stands adjourned from time to time.

JAMES A. SMITH.

Mr. Eskridge offered the following resolution, which was on motion adopted:

*Resolved*, That the Clerk prepare slips of paper of equal size, with the name of each county represented written thereon. That said slips of paper be deposited and shook up in a box, and as the Clerk draws one of the slips and announces the name of the county, the members from said county will select their seats.

Mr. Moore offered the following resolution, which was lost:

*Resolved*, That the Secretary of State be ordered to procure the necessary amount of cocoa matting to cover the floor of this hall, and that he have the same laid at the earliest day possible.

Mr. Glick offered the following resolution, which was, on motion, adopted:

*Resolved*, That a committee of three be appointed by the Speaker to act with a like committee on the part of the Senate, to inform the Governor that the two Houses are organized, and ready to receive any communication he may have to transmit.

The Speaker appointed the following committee, consisting of Messrs. Glick, Cummings and Lacock.

The following officers, elect came forward and were sworn in by the Hon. Judge Crozier :

Burgess, Drinkwater, Lambdin, Welsh, Waldron, Detrick, Cobb, Miller and Griffith.

On motion, the House adjourned until to-morrow morning at 10 o'clock, A. M.

WEDNESDAY, JANUARY 13, 1864, 10 o'clock, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Emery, Hawks, Williams (18th district).

Prayer by the Rev. Peter McVickar.

The journal of yesterday read, corrected and approved.

On motion of Mr. Wood,

The reading of the roll on each vote taken upon yesterday, was omitted.

On motion of Mr. Glick,

The names of members sworn upon yesterday, were ordered to be entered upon the journal.

Mr. Wood offered the following resolution, which was lost.

*Resolved*, That a committee of five be appointed to prepare rules for this House, and that they act with a like committee of the Senate to prepare joint rules for the government of the two Houses.

Mr. Glick offered the following resolution, which was adopted:

*Resolved*, That the rules of the last House of Representatives are hereby adopted as the rules of this House until otherwise ordered.

On motion of Mr. Fox,

The vote taken upon the resolution offered by Mr. Wood, was reconsidered.

The vote recurring upon the adoption of the resolution offered by Mr. Wood,

The resolution was adopted.

The Speaker appointed the following committee, consisting of Messrs. Wood, Cummings, Stratton, Forman and Glick.

Mr. Laseck offered the following resolution, which was, on motion, adopted :

*Resolved, by the House of Representatives, (the Senate concurring therein), That the Houses meet in joint session at 2 o'clock this afternoon, in the hall of the House, to receive the Governor's message.*

*Resolved, That the Clerk be required to furnish the Senate with a copy of the above resolution.*

The committee to wait upon the Governor, made the following report :

*To the Speaker of the House of Representatives :*

Your committee, who were appointed to notify the Governor of the State of Kansas that the two Houses of the Legislature had been duly organized, and were ready to receive any communication that he might desire to transmit, beg leave to report that they have performed that duty required of them, and inform the House that the Governor desired the two Houses to meet in joint session at two o'clock, P. M., of this day, to communicate his annual message through his Private Secretary.

G. W. GLICK,  
IRA J. LACOCK,  
J. F. CUMMINGS.

Mr. Laing offered the following resolution, which was adopted :

*Resolved, That the clergy of this city be requested to act alternately as Chaplains during the present session.*

Mr. Forman offered the following resolution, which was adopted :

*Resolved, That the Secretary of State be requested to furnish each member of this body with a copy of the rules of the last House.*

FORMAN.

Mr. Rogers offered the following resolution, which was adopted :

*Resolved, That the Sergeant-at-Arms be instructed to procure a clock for the use of this hall, and to put up the same.*

The following message was received from the Senate:

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has concurred in H. R. No. 1, in relation to joint session.

JOHN T. MORTON,

Secretary.

On motion, the House adjourned until 2 o'clock, P. M.

#### AFTERNOON SESSION:

Two o'clock, P. M.

House called to order.

Speaker in the chair.

Quorum present.

Mr. Brumbaugh offered the following resolution, which was, on motion, adopted:

*Resolved*, That the message of the Governor be referred to a special committee of five, to apportion its recommendations to the regular standing committees.

The Speaker appointed the following committee, consisting of Messrs. Brumbaugh, Moore, Eskridge, Ellis, Sternberg.

Mr. Wakefield offered the following resolution.

On motion, the rules were suspended, and the resolution adopted.

*Resolved*, That five thousand copies of the Governor's message be printed in English, and one thousand copies in German, for the use of this House.

Mr. Emery offered the following resolution, which was, on motion, adopted:

*Resolved*, That the Sergeant-at-Arms be instructed to furnish each member of this House with one copy of the compiled laws of this State; also, one copy of the laws of 1861, 1862 and 1863; and journals of 1862 and 1863; and journals of impeachment cases.

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Mr. Brumbaugh offered the following resolution.

On motion, the rules were suspended, and the resolution laid on the table.

*Resolved*, That the Sergeant-at-Arms be required to furnish each member of this House with four copies of a daily paper, published in this city, containing the proceedings of the House, and that each member be allowed to make his own selection of the two papers published in the city, at his own expense.

Mr. Ellis offered the following resolution.

On motion the rules were suspended, and [the resolution] was, on motion, indefinitely postponed.

*Resolved*, That the Sergeant-at-Arms be required to furnish each member of this House with four copies of the *Topeka Daily Tribune* during this session.

On motion, the House adjourned until to-morrow morning, at 10 o'clock.

## [IN JOINT CONVENTION.]

WEDNESDAY, JAN. 13, 1864, 2 o'clock P. M.

The hour set for joint convention having arrived, the members of the Senate entered the hall of the House of Representatives, in a body.

The President of the Senate, Hon. T. A. Osborn, presiding.

Quorum present.

On motion of Mr. Glick,

A committee, composed of Messrs. Glick, Brumbaugh and Brockway was appointed to wait upon the Governor, and inform him that the House and Senate are now in joint session, and ready to receive any communication he may have to make.

After a short time, the committee returned, and reported that

the Governor was ready to communicate, through his private secretary, his annual message to the joint convention.

Ward Burlingame, Esq., the private secretary of his Excellency, appeared, and read the following message:

*To the Senate and House of Representatives of the State of Kansas:*

It is a year since I addressed you, and how eventful its history! Spring opened darkly for us. Sad reverses befel the Federal arms, and foreign intervention was seriously feared and threatened.—Anxiety oppressed the national mind. As it advanced, midsummer saw the tide of battle turned, and, toward its close, autumn witnessed the solid triumph of the national armies, with the traitor foe able only to delay them on the Rapidan, at Chattanooga and Charleston, and every nation in Europe our friend. The national heart was buoyant with hope and confidence.

The State, too, during the past year, enjoyed an unexampled prosperity. The husbandman reaped full harvests; the laborer was richly repaid; the mechanic steadily employed at high wages, and every branch of industry liberally rewarded. One cloud only darkened it. The brutal hand of the incendiary and murderer burned our cities and towns, and butchered some of the best and bravest of our citizens. In all else, abundance enriched the producer and all the industrial classes.

For these inestimable gifts, let us thank him who guides and directs the fate of nations and of States.

#### LEGISLATION.

I need not remind you of the great responsibilities which rest upon you. Subjects of grave import will be brought to your consideration, which will require, on your part, patient deliberation and careful inquiry. No law should be enacted which is not demanded by the necessities and wants of the State, and when thus enacted, it should be rigorously enforced. There should be no hurry; and, while the legislator should avoid waste of time, he should be careful neither to listen to the voice of passion nor be swayed by the dictation of party. A wise system of laws help to make a wise people. I trust, therefore, that your deliberations will be characterized, in all that you say and do, by those qualities which distinguish the patriot and give dignity to the statesman.

#### SECRETARY OF STATE AND ATTORNEY GENERAL.

I transmit the annual reports of the Secretary of State and Attorney General. The former contains, besides the usual statistics, an exhibit of the lands selected by the agents of the State, under grants

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made by Congress in the act of admission, which has been confirmed by the Secretary of the Interior, and the proceedings in the State. The latter gives in detail a statement of the proceedings in, and present condition of, those suits at law in which the State is interested.

## FINANCE.

I transmit the clear and succinct reports of the Treasurer and Auditor of State, from which I make the following exhibit:

Total receipts into the treasury the past fiscal year, from all sources, for general purposes,	\$186,371.96
Total disbursements,	157,184.79
Balance in treasury, Dec. 31st, 1863,	29,187.17
Amount of seven per cent. bonded liabilities,	2204,000.00
Amount of six per cent. bonds,	44,800.00
Amount of ten per cent. war bonds and interest,	504.30
Amount of outstanding certificates,	325.22
Am't of outstanding Terr'l warrants assumed by the State,	24,124.00
Amount of outstanding State warrants,	27,656.17
Balance in treasury,	29,187.17
Due on Territorial taxes,	77,912.74
Due on State taxes,	75,334.57
Due from the United States,	12,852.00

From the amount of liabilities, I deduct—	\$126,358.23
Bonded indebtedness not due,	248,800.00
Outstanding Territorial warrants to be bonded,	24,124.00

Leaving to be provided for,	\$272,382.23
To which is to be added the Auditor's estimate for the current year,	80,927.19

Also, a material increase in same, to meet necessary expenses, not estimated by the Auditor,	\$105,387.23
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The five hundred dollar bond referred to was not presented when due, or it would have been paid.

I was authorized, by an act of the Legislature, approved March 2d, 1863, to negotiate fifty-four thousand and four hundred (54,400) dollars of bonds created by it, and thirty-one thousand (31,000) dollars of bonds created by an act approved June 18th, 1861.

held by the Secretary of the Interior of the United States, as a guarantee that the contract made with him by the agent of the State should be fulfilled.

I went to Washington immediately after the adjournment of the Legislature. I met the Secretary of the Interior, and found him ready to carry out the contract at the limited valuation of the bonds, as fixed therein and allowed by law, (eighty-five cents on the dollar.) I considered the bonds worth more, and determined to test their value in New York. I visited that city with this view. I ascertained, after a diligent and persistent inquiry, that I could get more for them. Satisfied on this point, although not authorized to do so by the letter of the law of March 2d, 1863, I asked the Secretary of the Interior to release the State from its contract with him. He did so. I sold, thereupon, fifty-four thousand (\$54,000) dollars of the new issue, and one thousand (\$1,000) dollars of the old issue, at ninety-three (93) cents on the dollar, in New York, and, on the 26th of April, 1863, disposed of twenty-six thousand (\$26,000) dollars of the old issue of bonds to the Secretary of the Interior, at par, and cancelled a like amount of ten per cent. war bonds. I thought the State could meet its obligations promptly with the money thus raised, but it did not realize the amount due it from the United States, in consequence of the death of Gen. G. W. Collamore and the loss of the vouchers by fire. I sold the remaining four thousand (\$4,000) dollars of the issue of bonds, that I had previously returned to the treasury, at ninety-five (95) cents on the dollar. I clipped the matured coupons from all of the bonds of the old issue, before sale, and returned them to the Treasurer of the State, cancelled.

I was led to regard the spirit, rather than the letter, of the law, because, on the first sale of bonds made, I realized three thousand eight hundred and fifty (\$3,850) dollars more than otherwise could have been realized; because, in the arrangement made with the Secretary of the Interior, I secured three thousand nine hundred (\$3,900) dollars, and two hundred and thirty-four dollars and seventy-one cents (234.71), interest accruing between April 25th and July 1st, 1863, more than otherwise could have been secured; and because, in the last sale of four thousand (\$4,000) dollars of the old issue of bonds, there were made four hundred (\$400) dollars more than otherwise would have been made, thus saving to the State eight thousand two hundred and eighty-four dollars and seventy-one cents (\$8,284.71), by the course I pursued. Another potent reason influenced me. The credit of the State was established by it, at the very point where, above all others, it was most important it should be established, both for it and its citizens, namely, in the city of New York.

I ask that, if necessary, my acts shall be legalized.

The war has largely increased the expenses of every loyal State in the Union. The small commonwealth of Vermont pays eight hundred thousand dollars a year for "extra pay of seven dollars a



month to the soldiers now in the service." The sum expended by Massachusetts exceeds two millions of dollars, and the larger States have made a still greater outlay for this and similar objects. Kansas has spent less for these purposes than any other State in the Union. I do not hesitate to recommend, therefore, an appropriation sufficient, at least, to make our defenses strong enough to repel any attack, and make the State secure. Better increase your taxes three-fold, if this must be done, than have another raid such as leveled Lawrence to the earth. It would be a saving, and a large saving, to the State; for, of all causes, which retard its growth, by driving off the settler and frightening away the immigrant, raids are the most powerful. They tell here—they tell in other States—they tell in Europe, against us.

I do not intend to indulge in commonplace about extravagance, nor shall I dwell on the evil of waste, because it is unnecessary before your intelligent body. The State that husbanda its means prudently, like the individual who lives within his income, is always well off, independent and strong. Economy, as well in small as large matters, is the virtue which, with system, will secure a permanent prosperity. It is a mine of wealth. But true economy is as far removed from meanness as it is from extravagance; it will employ its means liberally when a good object can be secured, and refuse a dime when a bad one is presented. It is intelligent, and knows what is wanted; it is judicious, and understands how to obtain it; it is practical, and measures its exact value. I counsel you, then, to practice this economy—to do it systematically; not only to have the account of every public officer subjected to a close examination, but know how every dollar of public money is spent. If this course shall be steadily pursued, there will be no defaults and no extravagance, no waste and no meanness. If the public revenue shall be thus properly applied and carefully guarded—if there shall be retrenchment where needed and expenditure when necessary—not only will the credit of our young State, now so well established, be kept firm, but its growth will be steady and solid, and it will be unhurt by the shock of any commercial revulsion.

#### TAXATION.

It is a curious fact that States and cities rarely avail themselves of each other's experience. Men, for instance, living in Indiana or in Cincinnati, and moving to another commonwealth or another city, would be apt to take the tax systems applied in both, if called upon to adopt them in their new home. I declare the simple truth, when I say that the first tax system adopted by each Western State, and by the cities in each Western State, was bad—so bad that its very abuses compelled an entire reform. But while these abuses existed, and were made patent through newspaper criticisms and debates in Legislatures, New England and New York had other systems, the machinery of which was simple, and worked well, ensuring certainty

in the collection of taxes, equality in their rates, steadiness in the credit of counties and cities, and of the States themselves. Now, if we were to act, in our representative capacity, as individuals do who always adapt themselves practically to new situations and new circumstances, we would, instead of remembering the ways and customs of our old homes, thrown by as cast-off clothes, examine the best systems of taxation, and adopt one equal to the best. This is the course I recommend to you, as being alike practical and wise.

The first thing needed in a tax system is simplicity. Every man holding property should know what the law requires him to do. Indirection of any kind or character—that sort of cloak which seeks to get more than is pretended, or to let the property-holder off with less than he should pay—is wrong, and invariably leads to difficulty. Besides, the machinery of a tax system should be equally simple in its workings. Combine these two qualities together; let all protected by the State share equally its burdens, in proportion to their property, real and personal, and a tax system will be established which will be satisfactory to the people, and just in itself; which will ensure steadiness in execution, and establish the credit of counties, communities and the State.

I would impress upon you, therefore, the necessity of a thorough examination and revision of the tax law. You are aware that some essential parts of it are considered, by able jurists, unconstitutional. Doubts of this kind should not exist in regard to any law, still less in regard to a law which concerns every citizen of the State, its revenue and its credit. I need not enlarge on this subject. I address practical men, who will make it their study, and who, if there be need of it, as I think there is, will frame a new tax law, which shall not only avoid the evils of which I have spoken, but secure all the benefits which are now enjoyed by the best tax-regulated States of the Union.

#### PENITENTIARY.

I call your attention to the annual report of the Directors of the Penitentiary, which I transmit.

Nothing has been done towards erecting a building. The plans and specifications have been prepared, and the contract conditionally awarded. Upon examination, however, of the forty acres of land selected by former Commissioners, on which to erect the building, it has been considered not merely inconvenient, but unfit. The penitentiary being a very important work to the State, and on which a large sum of money must be expended, the Directors, with this objection before them, thought it best to delay action until you could instruct them what to do. The necessity of having a penitentiary is admitted. The want of jail room [and] the increasing number of convicts make it a matter of economy. There should be a building erected, and it should be erected in a suitable place. A false step, either as to the building or its location, would work

serious mischief—not so much in the present as in the future. While you should act promptly in the matter, you will, I am sure, guard the State well against this injury.

My objections to the present location are wholly of a practical character. It is isolated, and, in case of revolt, or any sudden uprising of the convicts, there are no settlements around it which could render any aid to keepers or guards. Its distance from Leavenworth would prevent the employment of convicts as profitably as if near by, and certainly diminish the profits of their labor. The expense of hauling the material would be greatly increased. When completed, it will, doubtless, become a manufacturing establishment, and the carting of the raw material and the bringing back of the manufactured articles would diminish, to a great extent, the profits. Neither is there sufficient water near, which is highly essential. These difficulties would defeat the object we have in view, namely, not only that the institution should pay its own way, but that, in a fit location, and rightly managed, it should in a few years be able to reimburse the commonwealth. These objections, it appears to me, must impress you with the importance of a change of location, and the more so, because the increased value of land will enable the Directors to dispose of the forty acres without loss.

#### THE PARDONING POWER.

Section 7, article 1, of the Constitution, provides that "the pardoning power shall be vested in the Governor, under regulations and restrictions prescribed by law." An act making the necessary "regulations" and "restrictions" passed both branches of the Legislature, at the last session, but failed to reach the Executive prior to the adjournment. It is absolutely necessary that some law upon the subject should be enacted. While the present Executive has not refrained from granting pardons in cases where the circumstances seemed to demand his interference, yet there are grave doubts whether such power rests with him, without the prior action of the Legislature. Such a law as is contemplated would relieve the subject from all embarrassment, and carry out the plain intent of the constitution.

#### AGRICULTURE.

"I refer to agriculture always with pleasure, and the ablest and best may study it always with profit. It is not only the main foundation of the nation's virtue, and its source of prosperity in times of peace, but it is its staunchest prop in times of war. The superficial observer, entering the cities of New York and Chicago, and seeing the wonderful display of beautiful buildings, crowded with richest and richest wares of every kind, beholding men hurrying to and fro, and business streets thronged with human beings, all bustle and activity, would exclaim, 'Here may armies be marshalled; here may government supply itself with the material to conquer.' Yet,

New York resisted by mob the draft, and Cook county, in which Chicago is situated, is the only county in Illinois which has not filled its quota.

Last year's experience has tested fully our soil and climate, and the result is not only that our granaries are full, but that we are certain now of the rich productive power of the soil. Besides, no one can travel over the State without witnessing rapid improvement, made in farm houses and barns, in fencing, in orchards, in stock, in roads, and bridges, and in every branch of industry connected with its culture. It must be remembered that the State has had active beings, so far as its agriculture is concerned, only six years, and yet the State Fair held at Leavenworth, on the 6th, 7th, 8th, and 9th days of October last, would have been considered in many of the older States remarkable for its display. Nor can I forbear to mention the fact that Christmas witnessed in Leavenworth a show of meats equal to the best markets in the Union. For stock, for cereals, for every product of this latitude, the soil of Kansas is unsurpassed, and offers to the agricultural class as rich rewards as it could ask. And, besides the large yield of crops and ample supply of stock, Kansas offers a steady and remunerative market.

I need not, then, urge upon well informed farmers the necessity of increasing improvements, nor ask them to stimulate their class. Their knowledge will prompt the one, and their spirit secure the other. They have a start which no other State so young ever enjoyed; they have leaped into prosperity amid war. Nor need I state to the Legislature the importance of doing whatever it can legally and properly do to encourage agriculture.

#### GEOLOGICAL SURVEY.

I call your attention to the fact that no steps have been taken, either by the Territorial or State government, to secure a thorough geological survey. It seems to me eminently proper that this subject should engage your careful and considerate attention.

The wealth of Kansas lies in her soil. Whatever may tend to develop that wealth should receive the sanction and support of the Legislature. A geological survey, under competent auspices, would not only bring accurately to the knowledge of all the extent and character of our mineral resources, but would materially advance the interests of agriculture, by a scientific classification of soils, and by ascertaining their adaptation to the various purposes of husbandry.

It is the opinion of scientific gentlemen that the deposits of coal in this State are far more numerous and extensive than have yet been developed. This single consideration is entitled to special weight in your deliberations. The almost fabulous prices which fuel commands in our cities and principal towns must retard their growth, and occasion distress and suffering among the poorer classes.

We should ascertain precisely how far coal may be relied upon as a substitute for wood, which, from its scarcity, will hardly fail, while the present demand continues, to command such prices as will prove oppressive to the indigent.

#### IMMIGRATION.

The subject of immigration is one which attracts the attention of the whole country. Near two hundred thousand of the young men of the Republic sleep in the soldier's grave, or are disabled for life, and a million of kindred spirits are in the field. This drain upon the labor of the country taxes it heavily, and will tax it still more, unless we supply it with alien labor. The President of the United States, in his annual message, foreseeing this result, urges upon Congress the policy of facilitating, by every means in its power, a rapid immigration, and the Secretary of State, anxious to ward off its consequences, has sent a special agent to Europe, to stimulate it. Every Western State, acting upon this theory, has its Bureau of Foreign Immigration, or its agents abroad, laboring specially for their State interests.

You cannot discuss or consider this subject too thoroughly, as there are reasons independent of the general ones, which call upon you to act systematically and vigorously upon it. Population is the source of wealth and the basis of power. That State which has the greatest number of small farms and farmers is the strongest, the richest and the happiest. Thus, Massachusetts, with a barren soil and a bleak climate, making population the test, is the foremost State in the Union in these respects.

But there is another and still more important view. Since the commencement of this century, the tide of immigration has flowed steadily and regularly westward. Each decade exhibits plainly its law of increase. It swept first over Ohio, Indiana, Illinois, Michigan, Iowa and Wisconsin, and at last rested in Kansas, so far as the link of Western Free States is concerned. There has been no ebb. But the statesman who examines causes now in operation, and traces them to their consequences, will see great danger of that ebb, and feel that it will come, unless the State shall act intelligently upon the subject.

Richer gold fields than any yet discovered are opening on the western and eastern slope of the Rocky Mountains, and their fascinating lure will tempt hundreds of thousands of our young men beyond us and into them. But there is another, and, we believe, a greater temptation to emigration. I refer to the South. Slavery will perish, and rebel owners of the soil be disfranchised. Their rich lands will fall into the possession of the federal government, and that government naturally and necessarily will exert every legitimate means to people them quickly and densely by the brave and loyal citizens of the nation. The Mississippi has to be guarded, and who can do it so effectively as this heroic class? The Unionists

of the South must be protected, and how can this be so easily and safely done as by settling by their side the free-born and true of the North? Besides, there are no more profitable investments to be made in the settled portions of the Republic than in the cotton regions of the South. Thus, with the gold regions west, with the federal government stimulating this emigration south of us, and with the money motive animating emigrants, it is certain there will be an ebb in the tide of emigration westward, unless Kansas shall act with wisdom and energy.

It is for you to consider, with the great advantages you possess, and the still greater opportunities you can offer to the immigrant, what it is proper for you to do. These advantages are unequalled in any State of the Union. I have spoken of the soil and its fertility, of the climate and its healthfulness, of the superiority of our home market; but I have not referred to that boon which the free-man craves—the HOMESTEAD. The settler here may obtain a farm of one hundred and sixty acres of choice land, by simply living on it five years, and paying ten dollars to the land office as a record fee. But the opportunities are, as I have said, still greater. Two railroads are under way; a third will be commenced in the spring. Besides, government has made large and valuable grants of land for building other State railroads; so that it cannot be long ere the State shall be ironed over, and all parts of it bound together by the iron girder.

These are plain and simple facts; but, plain and simple as they are, none more important could be brought to your attention. You will weigh them, and weigh them well, and, after doing so, will determine which is the best course to pursue, or the wisest policy to adopt, whether you will establish a Bureau of Foreign Immigration, or send Commissioners abroad, or whether you will do both. You will determine whether you will employ means which have added so largely to the population and wealth of the older Western States, and which, if judiciously employed by us, will add so largely to our population and wealth. I am so convinced of the necessity of prompt, systematic and thorough action, that I would gladly co-operate with you in any practical measure you may adopt.

#### RAILROADS.

I need not press upon you the necessity of watching closely and guarding strictly the railroad interests of the State. To this end, you will familiarize yourselves with the act of Congress, approved March 3d, 1863. That act makes liberal grants of land to aid in the construction of certain railroads and telegraphs, and makes these lands subject to your disposal, for the purposes therein mentioned. Nor need I impress upon you the importance of the subject to the State. A glance at the map will demonstrate that. If, with the liberal grants of the general government, the lines of roads specified in the act shall be built, Kansas will possess large railway facilities. The time

given to build these roads is ten years from the passage of the act. If not built within that period, the lands granted will revert to the United States. Still less need I impress upon you extreme caution, as well as local forbearance, in selecting the lines of railways. The law under which this grant of lands was made, indicates their general course, but it does no more. The power is left with you, mainly, to mark out their tracks; and this should be done promptly, because the lands are now withdrawn from public sale, and, if not used for railroads, a double injury will result to the State, for, in that event, the country through which these lines are intended to pass will have neither settlements nor railroads.

Of the great Pacific railroad, I expressed very fully to you my views in my first message. These views are confirmed every day by facts familiar to all, and by the national necessity. That road will be built, and built soon. A large amount of work has been done already in grading, and large quantities of iron, with engines, cars, &c., were in transit when delayed by the late storm and severe weather. The prospect before us, in this regard, is cheering, and soon the pioneer, who has endured all the hardships and struggles of early Kansas life, will reap a rich reward for his labors and sacrifices, in the enjoyment of the blessings of a ripe civilization.

#### EDUCATION.

However much the subject of education is discussed, it cannot be discussed too much or too earnestly. As it is second to no other in importance, so it should be second to none in your consideration. There is no misleading or subduing an intelligent people. Had the body of the citizens of the slave States been educated—had they possessed a tithe of the knowledge, and of that experience which knowledge creates, so characteristic of New England, this bloody and fratricidal rebellion never would have decimated their population or desolated their homes. We must remember that the constitution itself is only a means for our common protection. That which imparts to it efficiency—that which gives to it an all-penetrating vigor, is the instructed spirit of the people. Without that, the laws will be passive instruments, or the mere machinery by which despots fetter mind and invade human rights. We owe it, then, to ourselves and to our posterity, as our first and highest duty, to spread the means of education before the youth of our State—to make parents feel it a necessity—to cause the public to demand it as a duty and a right.

I am happy to say that the report of the Superintendent of Public Instruction (which is herewith submitted), is in every way encouraging. Reports have been received from thirty-two counties. There are seven hundred and five (705) organized school districts, of which five hundred and six (506) reported to the County Superintendents. The whole number of children reported for the year

1862, was sixteen thousand five hundred and forty-nine (16,549), of whom eleven thousand and ten (11,010) attended public and private schools. For the year 1863, the whole number reported is twenty-six thousand eight hundred and twenty-four (26,824), of whom sixteen thousand six hundred and three (16,603) attended school, an actual increase over the preceding year of sixty-two per cent.

When we consider the local excitements that war has occasioned, it is wonderful that so much has been accomplished. This shows how deep-rooted the cause of education is in the hearts of the people. There is, there can be no more encouraging sign; no token which promises more for the future. You will, then, consider it your duty to encourage, if able, the higher institutions of learning; but, whatever may happen, you will deem it a necessity as well as duty, to foster and protect free schools, those universal colleges for the people.

#### NORMAL SCHOOL—COLLEGE—UNIVERSITY.

I call your attention to the report (herewith transmitted), of the Commissioners appointed to locate the State Normal School—an institution closely identified with, and necessary to the perfection of common schools.

The last Legislature located the Agricultural College at Manhattan, and authorized the Governor of the State to receive the title papers. This duty has been done. The papers have been recorded in the proper office, and deposited with the Auditor of State. Although the Commissioners appointed to select the lands donated to this Institution have not yet made their report, I am unofficially informed that they have nearly all been selected, and are considered among the best in the State. Still, they will not be immediately available, and as this College is in operation, and needs means to make it what it should be, and what it would be if it had means, it is for you to consider whether you will aid it now. When the railroad shall have been completed, its lands will be much more valuable, and from this source it will not only be able to raise ample funds for its maintenance, but to repay whatever sum may be advanced for its benefit. I call your earnest attention to this subject.

I submit the report (with accompanying papers) of the Commissioners appointed to locate the State University. This institution is located at Lawrence. I obeyed the act of the Legislature, approved February 20th, and made proclamation of the fact on Monday, the second day of November, 1863. The requirements of the act were all complied with. A generous and earnest friend of education and Kansas, Amos Lawrence, of Boston, Massachusetts, gave ten thousand dollars to it; the citizens of Lawrence advanced five thousand dollars, making the amount required, which sum has been deposited with the Treasurer of State. I am loth to recommend the expenditure of money, devoted by law to specific objects; but I think this case so clearly exceptional, that I do not hesitate to urge



the Legislature to return to the citizens of Lawrence the amount contributed by them. Their gift, as we know, was a generous one; it was noble as well as generous. In a fell hour they lost, as it were, their all. Rebel assassins did this fatal work. Where, then, the patriot heart in the State, that would not say promptly, "Return to these public-spirited men the generous gift, which, when wealthy, they promised, and which promise, when poor, they fulfilled?" Where the legislator, knowing these facts so honorable to them and to humanity itself, who would hesitate in meeting this wish of the people, and of doing a duty which the State owes to herself?

#### BENEVOLENT INSTITUTIONS.

The word State is associated with benevolence, and it is right that it should be so. There are those among us who have eyes, and cannot see, who have ears, and cannot hear, who have tongues, and cannot speak, who, erect in body, are yet insane in mind. For these unfortunates no parents, whether rich or poor, can properly provide. They are to be cared for, and can only be cared for and educated, so far as that is practical, by the State. That, therefore, which gives character, which, in the eye of the benevolent, exalts, which, in the opinion of the Christian statesman, at home and abroad, elevates most a people—is a tender and touching regard for those thrown by Providence upon their mercies. The State, consequently, which mars its humanity by neglecting them, and allowing them to live without instruction or care, will, and should, suffer in reputation.

Your purpose, and the purpose of the people of Kansas, are right on this subject, and it is simply a question of ability with both. Yet we are directly responsible for any neglect, and we should be careful, as we respect humanity and would preserve unsullied our good name, to prepare for these unfortunates safe and comfortable homes. The deaf and dumb are partially cared for; but the blind and insane are wholly neglected. I would recommend, therefore, that you employ a suitable person to make a contract with one of the States, having blind and insane asylums, to care for these afflicted ones, until the State shall have similar institutions of its own.

#### EXTINCTION OF INDIAN TITLES.

I congratulate you upon the prospect of an early extinction of the Indian titles to lands in this State. This is a subject upon which there are no divided opinions, and the "Indian titles" alluded to is "devotedly to be wished" by all. The exclusive possession by the various tribes of large tracts of abandoned lands, has prevented their settlement, and deprived the State of the revenue which should be derived from them. I anticipate with confidence that before the present Congress adjourns, treaties will be concluded for the removal of the various tribes from the State, and for throwing the vacant settlements and the cleared lands now held by these tribes into the hands of the State.

## THE MILITIA.

I transmit to you the report of the Adjutant General, and refer you to its valuable details. You will perceive by it how far the organization of the militia has been perfected, and what has been accomplished. You will also see the expense incurred in this essential work. Without it, the border would have been depopulated and made desolate. With it, guerrillas have been held back, and peace and safety secured.

I am not able to make an exact and full statement of the militia of the State at this time, owing to the fact that the necessary reports of the forces ordered into active service have not been received from the counties of Johnson and Miami. Nor am I able to do more than to give you an approximate of the number of enrolled militia of the State, inasmuch as no returns have been received from Allen, Coffey, Clay, Davis, Douglas, Greenwood, Washington and Wyandott counties. Still, from the returns before me, I am able to say that there are thirteen thousand and twelve (13,012) men in the State subject to military duty, and that of these, nine thousand eight hundred and twenty-six (9,826) are organized into companies and regiments. I have distributed to this military force five thousand (5,000) stand of arms, and have three thousand (3,000) more (recently received) for distribution.

I would call your attention, in this connection, to what is known as the Militia Law. That was enacted in a time of peace, and is only fit for peace. Any one who will read it carefully will find it, in many respects, cumbersome and contradictory, leaving officers not only without the means of organizing, but really depriving them of the power to organize the militia. A new law is absolutely necessary; one shorter, plainer and more effective. Nor will there be any difficulty, I imagine, in preparing or enacting such a law; for the events of the last three years have given to many of you a full military experience; and exposed as our people are, and will be during the existence of the war, they would urge it as a necessity. I have very few suggestions to make, beyond the general ones already made. These points, however, I would press: that all distinction between volunteer and enrolled militia be abolished, and both be of one class; that power be conferred upon the officers to enforce organization and drill; that the direction be plain as to the course which shall be pursued when any number of the militia are called into active service, and that the pay of officers and men when in such service shall be established.

I have stated to you that the Commonwealth has now in its possession, eight thousand stand of new arms, to say nothing of the old ones belonging to it. Their actual money value cannot be less than one hundred thousand (\$100,000) dollars. To save these to the State, and to keep them in order in time of peace, an arsenal is necessary, in some secure locality, with a competent ordnance officer, who shall take hands for all arms distributed and have charge of the arsenal and its contents.

You may not be aware of the fact that the war has greatly increased the labors of the Adjutant and Quartermaster Generals, but so it is. Their voluminous reports will demonstrate this fact.

The Adjutant General's office has been created anew. The work to be done therein, embracing as it does both the militia and the volunteers of Kansas, has involved the necessity of the employment of four clerks, two of whom I had detailed from the army, thus saving so much to the State. Still, it must be apparent to every one that, in time of war, the pay of this department must be materially increased, and this should be done to embrace the past as well as the future. It is certain that the heavy work now done in it cannot be done with the fund provided.

I herewith transmit the report of the Quartermaster General, to which I would call your attention; and from which may be seen the use made of the money raised for defraying the expense of protecting the border.

The Quartermaster General has largely increased labors and responsibilities. Nor can these labors and responsibilities be properly met unless power be given to employ an assistant, and his salary be increased. That salary is now only five hundred dollars. I am aware of the objections to increased outlays, and, no one, I think, weighs them more carefully than I do. But this fact experience establishes: that the State which pays its officers too little or too much is invariably the sufferer. The medium, or in other words, that which is just, which pays the laborer what his life is worth, is the truest and safest rule.

#### THE BORDER.

I was anxious, last winter, about the safety of the border. The general reports which reached me from every quarter, and the detailed reports of pioneers who knew well the guerrilla character, alarmed me. I called together, therefore, on the 28th day of January, 1863, the members of the Legislature representing the exposed portions of the State, (inviting a member of Gen. Blunt's staff to be present,) to discuss and consider the condition of the border, and how best it could be thoroughly protected. We met. The result of our deliberation was that, with a small addition of Federal troops, forces could be distributed at certain points designated, and that this distribution of them would accomplish the object desired. The military authorities carried out the plan agreed upon, very nearly, and I felt safe. But, unfortunately, from causes, possibly, which they could not control, this plan was not adhered to, and large gaps were left, which exposed a wide extent of territory, and the lives and property of the citizens who inhabited it, to the lawless power of the guerrillas.

In April of last year, alarms were given, and reports reached me which convinced me that there was immediate danger. The usual indications which always precede raids were manifested all along

the border. Daring robberies, house burning and murders became frequent. So satisfied was I of the nearness of the peril that I invoked the military authorities to increased activity and vigilance.

The blow came. Shawneetown, Gardner and Black Jack felt it first; they were sacked and burned, a number of citizens killed, and a large amount of property destroyed or carried away. Distress prevailed. A large committee from the border waited upon me, stating that its protection must be made certain, or that its desolation would follow. "Better," said they, "that we should leave our property and save our lives, than live as we have lived and are living." The truth is that few men slept at that time in their houses; the cold earth and the brush were their beds.

Failing to obtain from the military authorities a sufficient force to protect the border, and give safety and confidence to a people justly alarmed, I telegraphed, on the 9th of May, 1863, to the Secretary of War, detailing these startling facts. In my letter of that date, I said:

"I am powerless. The State has no means, and I have applied to the commander of this district for adequate protection, but have failed to get it. I appeal to you, therefore, most earnestly, either to empower me to raise a regiment of home guards for this special object, or else to have detailed to me a regiment that shall be especially employed in the protection of the border."

I was refused permission to raise a regiment of home guards, and my request for additional troops was not complied with. Meanwhile the alarm on the border increased, and invasion became more imminent. To ascertain accurately the condition of that locality, and to judge intelligently what action was necessary to be taken, in the month of May last, accompanied by Maj. Gen. J. L. McDowell and Quarterm'r Gen. E. Russell, I visited the scene of danger; and found abundant evidence of the truthfulness of all that had been represented to me. I took steps immediately to restore security. The treasury of the State was empty, and there was no law by which I could employ soldiers and promise pay to them, except such employment and pay should be sanctioned by the Legislature. Besides, similar services, rendered under like circumstances, had not been recognized or paid by it. It was impossible, therefore, to obtain men to defend the border, or, when willing to do so, who were able either to do it without regular wages or to await the action of the Legislature.

No alternative was left me; I had either to see that border desolated; and its people driven away or slaughtered, or else to employ soldiers to defend it and them. I did not hesitate. I determined at once to give the needed protection. I borrowed for this purpose ten thousand five hundred (\$10,500) dollars, at ten per cent. interest per annum, and gave my note therefor, endorsed by Hon. Asa Hairgrove and Hon. W. W. H. Lawrence, Auditor and Secretary of State; and I respectfully ask that an immediate appropriation be

made to meet this outlay, as well as every expense incurred by other citizens, in rendering like services to the State, for which they have not been paid.

I authorized the raising of one hundred and fifty mounted men, at one dollar per day for man and horse. These were organized into companies, and distributed in the counties of Johnson, Miami, Linn, Woodson and Douglas, with orders to co-operate with and to obey the commander of the federal forces, and to fill up the gaps which had been left exposed. They did it, and, while in service, there were no raids into the State. I must confess, however, notwithstanding the success of this home guard battalion organized by me, that I felt uneasy and anxious about the border. Every report which came to me showed a daring and recklessness on the part of the marauders which boded no good to our people. I determined, therefore, if possible, to check them, and to check them in such a way as to make the invasion of Kansas an impossibility. For the purpose of accomplishing this object, and of avoiding all expense to the State, accompanied by Honorable Asa Hargrove, Auditor of State, and Senator Fishback, one of the representatives of the exposed border counties, I visited St. Louis, and laid before the General commanding the department the facts I have detailed to you. That officer gave me authority to raise a regiment of mounted home guards, subject to the approval of the war department. Unwilling to take any risk, and knowing the necessity of the measure, and how immersed in business the war department was, I determined to visit Washington, and present the case in person. I did so. My plea for the home guard regiment failed.

On my return from Washington, I found, although matters were comparatively quiet on the border, that those best acquainted with it, and with the acts of lawless rebels in Missouri, feared fresh raids. I participated in those fears, and made immediate efforts to raise a new regiment, whose single duty should be to protect the border. But the war department would not permit it to be thus exclusively employed, and, therefore, the commander of the department could only consent that it should remain in the State until the federal authorities needed its services elsewhere. Its recruitment, therefore, was not nearly as rapid as it would have been if this positive assurance had been given. Meanwhile, it was supposed by military authorities that there were troops enough in Kansas to protect it fully. Indeed, the commander of the district, relying upon the information which he had, and the well-tried valor of the troops under him, felt so secure that he said to me: "I can now protect the border without the aid of your State troops," (referring to the one hundred and fifty mounted men I had raised and organized into companies,) "and save you and the State the expense." I therefore ordered them mustered out. A week thereafter, Lawrence was in ashes!

Immediately after that massacre, I wrote to the President, wrote and telegraphed to the Secretary of War, and to the General com-

manding this department, reiterating my general views, and demanding arms and men for the protection of Kansas. I annex my telegram to the Secretary of War, to show you the spirit of my communications:

"LEAVENWORTH, August 24th, 1863.

"Hon. E. M. Stanton, Secretary of War:

"Just returned from Lawrence. City in ashes. One hundred and twenty-eight peaceable citizens now known to have been murdered. Want more troops. Either the Kansas regiments should be returned to defend the State, or authority given me to raise two new regiments for home protection. No arms here. Will you at once order enough to meet our wants? I write in detail to-day."

An answer to these requests came as quickly as the wires could bring it. Arms were sent, and troops ordered to Kansas. Thus, at last, the policy I had so earnestly urged, (save as regards home guards,) was adopted by the government. I do not mention the fact either for self-praise or to censure others; but this must be clear to all who reflect upon the subject: that, had this policy been carried out when I recommended it first, no desolation would have swept over our cities and towns, and no lawless bands laid waste any portion of our fair State.

#### THE STATE.

All writers agree, and all history confirms the correctness of the opinion, that love of home is the foundation of patriotism and virtue. After that, comes love of State. Where these exist, and have in them fervor and strength, the central government will be shielded by a power which is invincible. It is clearly, then, our duty, as well as our interest, to foster, to purify and to enlarge the love of home and of the State.

It is well known with what enthusiasm Kansans rallied to the support of the national government the moment it was assailed by traitor arms, and how, by an almost exhaustive effort, it has stood by it. If ever a State, therefore, was entitled to respect—if ever a State was entitled, in spirit and in letter, to every right which legally belongs to it, our commonwealth certainly could claim this respect and that right. As a general rule, we have enjoyed it. Yet there was an exception, so marked that I cannot forbear, not merely to notice, but to give you and the people detailed information in regard to it.

The Secretary of War, through the Provost Marshal General, on the 5th day of June, 1863, issued the following order:

WAR DEPT., PROVOST MARSHAL GEN.'S OFFICE,

WASHINGTON, D. C., June 5th, 1863.

Major General J. G. Blunt, U. S. Vols.:

General—You are hereby authorized to raise a regiment of cavalry, to serve for three years or during the war.

The regiment is to be recruited in the State of Kansas, and this authority is given with the condition that the regiment is to be completed within thirty days. It is understood that you have now about five hundred men recruited for it.

The organization must conform to the requirements of General Orders No. 110, current series, from the Adjutant General's office. All officers will be commissioned by the Governor of Kansas, on your nomination.

All musters into service will be made by the United States mustering officer for the State, and in accordance with Par. 86, Revised Mustering Regulations.

Recruiting Lieutenants will be appointed under General Orders No. 75, of 1862, from the war department; so soon as the appointments have been issued, the names of the officers must be reported to this office.

I am, General, very respectfully,

Your obedient servant,

JAMES B. FRY,

*Provost Marshal General.*

This order made the Governor of the State the mere clerk of a Major General. It not only disregarded all usage, custom and law, but it invaded right. I protested against it. The result of my action was a modification of the order. The order, as modified, reads:

WASHINGTON, June 26th, 1863.

*Major General J. G. Blunt:*

General—The authority given, of date June 5th, to raise a regiment of cavalry, is hereby amended as follows:

The company officers will be commissioned by the Governor, on the nomination of the members of the respective companies. The field officers will be so commissioned on the nomination of the majority of the company officers.

This modification is made at the request of His Excellency, the Governor, but is not intended to affect any appointment which may have been duly made prior to the receipt of this by you.

THOMAS M. VINCENT,

*Asst Adjutant General.*

I made no such request as that stated in the modified order. I insisted upon the rights of the State, without limitation or qualification, as I shall ever do. I obeyed the order, because I did not wish to delay the war department in its military movements, and because I desired to have placed in our front, as quickly as practicable, the soldiers needed to defend it. Nor do I wish it understood that I detail these matters in anger, or out of ill-will to the war department. Every department—the government itself—shall command me, whenever my services are needed, or wherever the arms of Kansas can serve or defend it. I mention these facts only because

I would have the people of the State watch with jealousy every encroachment upon the rights of the State. It is this vigilance which will stop the advance of the oppressor and wall out oppression.

#### SOLDIERS' CLAIMS.

To protect Kansas soldiers and their families, I authorized, on the 15th of August, 1863, Judge Saunders W. Johnston, who is now a resident of Washington, to act as their agent, without charge to them. It is not right that they should pay a cent to any one for securing to them the money they have so dearly earned, and which the government so justly owes them. I know that you will concur in this without a dissenting voice. Still, the agent, Judge Johnston, should be compensated fairly for the work he may do, and Kansas can well afford to compensate him, because she has done nothing, by way of legislation, to stimulate her brave men to enter the service, or to provide for their families while in the service, as other States have done. What this remuneration for the agent shall be, and what provision you will make for the families of the soldiers, it is for you to determine.

#### SOLDIERS' PAY.

We tolerate in government what we would not tolerate in society. Were the pay of laborers put upon the ground which the federal authorities adopt towards soldiers, it would cause, not merely dissatisfaction, but revolution. It may be said that this is a subject which you should not discuss, or I suggest. I dissent. This is a common interest, and every State has a common concern in it. It is our flag which floats over the army and navy; they are our soldiers who fight the battles, and win victories or meet reverses; it is our cause they defend, and our country they protect. It is your privilege, then, to declare, and mine to suggest, what measures may be necessary to their well being and the well being of their families.

I call your attention, therefore, to the payment of soldiers, and I invoke you, most earnestly, to act upon the subject. That pay should be prompt. We are aware that, when sudden marches are made, or when our forces pursue the foe into their territory, this sometimes cannot be done; but, as a general rule, in my judgment, their pay might be promptly made, and that, too, without the employment of an agent, or without misapplying the funds of government. I give two examples to illustrate my view. On the march of our regiments to Fort Smith, quite a number of our soldiers were taken sick, and sent to the hospital. I conversed with one of them; who had suffered from the worst form of typhoid fever, and who had not received a cent of pay for six months. Again, consider the case of the brave man who falls in battle, and leaves behind him a destitute family; it will take months for his wife to get the small pittance due him, and even this pittance she may have to divide with



an attorney, whom she is compelled to employ to obtain it. It seems to me that a simplification of the machinery of the pay department of the army would remedy these difficulties, (I might more properly call them wrongs,) and enable the soldier's family to receive promptly, and without expense, what is their due. If, in the first case which I have stated, the certificate of the Captain of the company, showing that the soldier had been left in the hospital, and if the Surgeon in charge of such hospital should endorse upon that certificate that such soldier had been detained there by disease, would enable that soldier to obtain his pay, all delays would be avoided. So, in the other case stated, where "the warrior by warrior hands is slain," the endorsement of that fact by the commanding officer of his company, and by the officer in command of the regiment, should be sufficient to entitle his wife (she being identified) to his pay at once. Reforms of this character are imperiously demanded, and Congress should lose no time in making them. If the Legislatures of the different States were to examine this subject, and act upon it vigorously, we venture the assertion that our national legislators would remedy these evils and put an end to these wrongs.

#### KANSAS SOLDIERS.

There are thirteen Kansas regiments in the field, (besides two colored), and they are scattered in every department of the South and Southwest. I felt this to be a wrong to them and to the State, and, in one sense, it is so. Yet, the consequences have been so fruitful of good and glory to both, that, apart from the consideration of inadequate home protection, we cannot regret it.

Theirs is a National reputation. They have been, in these departments, in every hard fought battle, and in every such battle they have stood in the van, and on the "rampart's slippery swell." "*Foeward*" they have fallen, "as fits men to fall," or hurled back the traitors with bloody hands. "You have the bravest of officers," said a veteran Major General, "and your men are as brave as your officers."

It would be invidious to designate, where all are so distinguished. Led by officers of dash and daring, who rush to the encounter against fearful odds; who, with pluck and audacity, when surrounded by five times their number, and called upon to surrender, answer "Kansans never surrender;" who hold gaps in the mountains, defying and defeating a marshalled division of the enemy; who climb the mountain steeps, and, leaping over battlements, sweep from them the bravest of warrior rebels—our soldiers have in them that fire and enthusiasm, that spirit which makes the bayonet think, and the man who directs it invincible.

The death-roll tells what they are. In a strange land, amid the rocky steeps and sharp defiles of the mountains, or among the moss-fringed swamps of the South, our slain sleep. No sight of hon-

gladdened their eyes before they were paled in death. No friends from home were near to cheer them. Hallowed be their memories! Cherished their fame, wherever valor is praised or virtue honored! And when we shall welcome back, after the war is over, our scarred veterans, the vacant places of the honored dead, if silent, will yet speak with touching eloquence, dimming the eyes with tears, and moving the tenderest sensibilities of the heart. But we may not mourn, for, if "the fittest place for man to die, is where he dies for man," they will be in the future, examples of heroic valor and a martyr spirit.

I trust that, ere the session closes, I shall be able to present to you fully and in detail, an account of every officer and soldier of Kansas regiments.

#### SOLDIERS' SUFFRAGE.

I recommended, in my first annual message to the Legislature, an amendment to the Constitution, giving to the soldiers the right to vote. This recommendation failed. I heartily renew it, and trust that it will be acted upon promptly.

No one can doubt the justice of the proposition. Our soldiers are entitled to increased privileges while they are upholding the flag of the Republic, and are subject to the perils and privations of camp and hospital. It is a small remuneration and a poor compliment for these heroic services to say that they shall be equal to those who remain at home, and in peace, pursue the arts of peace.

There are those who believe that they possess the right. I wish it were so. I have consulted some of the ablest jurists of the State, who concur in the opinion, that an amendment to the Constitution is necessary. Such is my own belief. Still, if the Legislature, after due deliberation, shall conclude either that the right exists, or that it has the power to confer that right, I shall gladly second its action. Or better yet, if a test case can be made before the Supreme Court, and that court should decide for the soldier, the people of the State would enthusiastically enforce its decision. While there is doubt, however, on the subject, let speedy action be taken to meet the just claims of the soldier, and to perform faithfully our duty to him. There is no fear, and should be no anxiety on the part of legislators on this subject, for wherever, through State laws, our brave men in the field have voted, they have voted almost unanimously for the vigorous prosecution of the war, for universal freedom, for the Union and its Government.

#### THE COLORED RACE.

The rebellion has forced upon us new issues; and the only safe way is to face them. Fifty thousand colored troops are armed, drilled, and ready to battle against the rebel foe. Wherever tested, they have exhibited steadiness and daring—a courage which feared neither frowning battlements, nor the serried ranks of the foe.

As to their petition, the Unionists of the South (with one exception, Kentucky, and in that State they are divided), have declared, with unexampled unanimity, "Let them be freemen, and let slavery perish!"

In the convention recently held by the loyalists of Tennessee, it was proposed by a member to petition Government to compensate loyal slave owners. One of the largest of that class rose, and moved that that part of the memorial be stricken out. The motion was carried, with a few dissenting voices, every slaveholder voting for it. A kindred spirit governs Louisiana, Arkansas and Maryland. Missouri and Virginia avow the same noble sentiments, and advocate the same humane policy. And who are the loyal Unionists of the South? Men reared amid slavery; men who live where the blacks live; men who have felt and who know the bitter blight it brings to human happiness and human progress.

There lingers yet, in the free States, as all fully understand, a prejudice and a passion against the colored race; but how can this prejudice and passion withstand the united action of the loyal men of the South? They will be as foam upon the crested wave! Nor dare any honest man, with aught of heart or mind, claim degradation for this race, after it has fought so heroically for the Union. If we desired to dishonor the name we bear, if we wanted to make the national character infamous, if we longed to have it associated with heartlessness and ingratitude, or to rouse the hate of every lover of freedom throughout the world against it, we would fire this prejudice, and make that passion tremble with energy. Ours is a higher and nobler position. It is one in which justice and freedom shall poise the scales and hold even the balance.

But house questions concerning the colored race are arising, and by petition and through public discussion will be brought before you. What shall be its condition in Kansas? This is, or will be, the issue. Nor can it be shirked or put aside from year to year. No good will come out of this unmanly course, but evil only. Let that issue be met, as it can only be met now, by submitting it to the will of the people in a proper amendment to the Constitution. No citizen can object to this course. "I heartily wish," says one of the great conservative statesmen of Great Britain, when speaking on a kindred theme, "that the deliberate sense of the kingdom should be known on this subject. When it is known, it must be prevalent. It would be dreadful, indeed, if there were any power in the Nation capable of resisting its unanimous desire, or even the desire of any very great and decided majority of the people." Their will must be your law and mine, the law of the State. The Constitution, as it now stands, does not recognize the colored race, and it is for you to submit to the people whether they desire to have them recognized or not.

#### MEMORIALS.

The Legislature has rendered important service to the State through its memorials to Congress. When pressing, in this way,

the just claims of the State, and seconded, as it has been and will be, by our able Congressional delegation, it will seldom fail. Trusting that you will not falter in this good work, I shall proceed to mention subject-matters on which you should memorialize Congress at your present session.

I referred, in my first message, to the sufferers of 1855, '56 and '57, and urged upon you the importance of memorializing Congress to relieve them. I earnestly repeat what I then so fully recommended.

In 1861, a number of Kansas regiments were put into the field by the State. In doing this, a debt was incurred of twelve thousand three hundred and fifty-two (\$12,352) dollars. Congress, during that year, passed an act to reimburse the several States that had raised troops, and advanced means for this object. I authorized General G. W. Collamore to adjust this claim with the federal government, inasmuch as the debt had been incurred during his term of office as Quartermaster General of the State. For this purpose, he withdrew the vouchers from the Auditor's office of the United States and the State. These papers he had at his house when the raid was made upon Lawrence, he killed, his house burnt, and these papers destroyed. The vouchers being thus lost, the Third Auditor at Washington, who has this matter under control, could not act upon the claim, nor will he be able to do so until an enabling act has been passed by Congress.

I have elsewhere spoken at length of the condition of the border. It has been, until very lately, continually threatened by the rebel foe, and subjected to lawless raids by roving bands of guerrillas. It became necessary to meet these dangers, and, as the federal government had withdrawn the main body of the Kansas volunteers into distant fields of duty, the State had to do it. A heavy expense was thereby incurred—an expense that will not fall far short of thirty thousand (\$30,000) dollars. That the federal government will reimburse the State, I have no doubt. Congress has already passed an act repaying the State of Missouri for moneys she advanced in organizing and sustaining her home guards. The claim of Kansas is still stronger; for the militia of the State has not only rendered important aid to the federal government, but was accepted by the General commanding the department, put under the command of federal officers, and retained only while the federal authorities thought their services necessary.

The discussion of the subject of the Territorial warrants has been so frequent and general, that every one is familiar with it. Under an act of February 20th, 1863, the Territorial indebtedness was authorized to be assumed and bonded by the State. This has been partially done. That indebtedness arose from the neglect of the federal government, under former administrations, or, more properly speaking, of its officers in the Territory. The last Legislature memorialized Congress upon this subject, and the bill failed in that

body, far want of time to act upon it. You will realize the importance of prompt action, when I inform you that there is charged against the State a direct tax of nearly seventy-two thousand (\$72,000) dollars, which it has ample means to liquidate when the federal government shall have settled its just claims.

Last year, as you are aware, fearful raids were made along our southern border and into the interior of the State. Shawneetown, Gardner, Black Jack and Lawrence, (and, previously, Humboldt and Olathe,) were sacked or destroyed; besides, a large number of farmers lost their all through them. Distress and terror prevailed. Few considered themselves safe in the exposed parts of the State, and the pursuit of regular business day by day and the enjoyment of needed sleep by night were an impossibility.

I visited Lawrence the day after its calamity. The scene beggared description. No pencil could paint, no imagination conceive, the sadness and desolation of that day. Before me lay the smoking ruins of a young and thriving city, and outstretched in the few remaining houses, spared by accident, were the cold and lifeless bodies of the murdered dead. Among them were the remains of one of your body—young Thorp, so gifted, so noble, and so beloved by all who knew him. Yet, as I gazed upon this dark and fearful reality, I turned instinctively towards the living. No tears dimmed their eyes. Their grief was too deep for utterance. They stood calm, resolute, fearless, and amid the loss of life and wreck of property, as if animated by the sublimest courage, said, "We will bury our dead and rebuild our city."

The brave men of Kansas who have suffered thus, will not be forgotten by the country; nor can the Federal Government, when informed of their conduct and character, as well as their losses and sufferings, refuse to repay them in full. National justice, as well as National pride, will compel an act which would add glory to the National name, and stimulate, as well as strengthen, the National virtue.

#### OUR COUNTRY.

The very words "our country" thrill us. When abroad, and we perceive suddenly its flag, we rejoice; but when it is in a struggle for life, we gladly give it all we have and all we are. For what are we without it? As a pitcher broken at the fountain; as one dying of thirst at the dry fountain.

In my former message I expressed to you my faith in the success of our cause, though the timid doubted, and the wary were afraid. Where is the skeptic now? I anticipated reverses, but none such as have gloomed the land. I thought there would be uneasiness and unrest among the pro-slavery population of the free States; but I never dreamed of mobs in the city of New York, or a cowardly submission to them, or of actual uprisings in the States of the

Northwest against the Government. We perceive plainly enough, now that all is past, how these reverses strengthened us and weakened the foe; how these mobs and uprisings gave increased power to the Federal Government, by knitting together the loyal hearts of the nation. Rising, in consequence, above petty jealousies and narrow prejudices, mounting up to the high level of the occasion, one of the proudest ever presented to man by the living God, and infusing into the common heart all the fire of the spirit of earnestness and enthusiasm, THE PEOPLE, in triumphant voice and with invincible power, hushed into silence that traitor sympathy, and blackened with infamy that traitor action, which had mocked their loyal will, and defied a loyal Government.

The pilot at the helm bore a steady hand, and had a clear eye, and, better and braver yet, an honest heart. His ear was open, and he listened with eager intent to learn the wish and will of the people; and as they gathered around and cheered him on, he moved forward, until, with his last proclamation, he cuts up the very root of rebellion, turns into dry ashes the fuel of sedition and leaves not a spark of fire to kindle it.

There is power in events; they channel out their course in defiance of strong governments, and the iron will of despots, as though they were brittle glass. The drift of the events of our day and our country swell with a resistless volume in behalf of universal freedom. But President Lincoln, seeing, yet not trusting this unseen, though mighty agency in human affairs, determined to clinch all by positive legislation and specific action; for no good so great as Liberty can be won or preserved without law, and no evil so deep and so dangerous as slavery, can be checked or crushed except by law.

Good omens cheer us. There is not a token which does not promise to us a sure victory. Thus, a new morn is opening, revealing to us in brightness and glory a regenerated Republic. Let us, then, uphold the Administration and the Government. Let us concentrate all of feeling and of purpose, and know only our cause. Let us, by the noble spirits gone, by the sacred blood shed and the countless treasure spent, by all that is holy in the past and hopeful in the future, stand firm for OUR COUNTRY.

THOMAS CARNEY.

Topeka, January 13, 1864.

On motion, the joint convention adjourned.

Mr. Glick moved to suspend the reading of communications from State officers.

Carried.

On motion of Mr. Glick,

The reports of State officers, &c., were referred to the Committee on Printing.

The following communication was received from the Secretary of State:

STATE OF KANSAS, EXECUTIVE DEPARTMENT,  
OFFICE OF SECRETARY OF STATE,  
TOPEKA, Jan. 14, 1864.

Gentlemen—I have the honor to acknowledge the receipt of a certified copy of your resolution in reference to laws and journals for use of members, and, in compliance therewith, I have this day turned over to the Sergeant-at-Arms of your House 75 copies each of the laws of 1861, 1862 and 1863, 75 copies each of the journals of House and Senate, 1862, 75 copies of the Senate Journal of 1863. The impeachment case I do not send, for the reason that we have not on hand a sufficient number to distribute to the Legislature, and retain the required number of copies for persons entitled, and for the office.

Very respectfully, &c.,

W. W. H. LAWRENCE,

Secretary of State.

To the Honorable House of Representatives.

Mr. Brumbaugh offered the following resolution, which was, on motion, adopted:

*Resolved*, That the Secretary of State be authorized to furnish the members of this House with stationery, upon the requisition of the Sergeant-at-Arms.

Mr. Jones offered the following resolution, which was laid over under the rule:

*Resolved*, That a committee of three be appointed, to examine the office of the Secretary of State, and report its condition at an early day, and also what further legislation is necessary to enable the Secretary to officially discharge his duties.

Mr. Emery offered the following resolution, which was laid over under the rule:

*Resolved*, That the Speaker be authorized to appoint an Assistant Doorkeeper.

Mr. Irwin offered the following resolution, which was adopted:

*Resolved*, That the Sergeant-at-Arms be instructed to have the locks on the desks of members of this House repaired.

Mr. Forman offered the following resolution, which was, on motion, adopted:

*Resolved*, That the Sergeant-at-Arms [be] requested to procure a national flag, and take measures to have the same displayed from a staff from the top of this hall during the session of this House.

FORMAN.

Mr. Emery introduced House Bill No. 1, entitled "An act relating to the records and proceedings in Douglas county."

Read the first time.

Mr. Emery introduced House Bill No. 2, entitled "An act making appropriation for educating the deaf and dumb children of the State of Kansas, for the year 1864."

Read the first time.

Mr. Lingo introduced House Bill No. 3, entitled "An act to authorize certain State officers to administer oaths."

Read the first time.

Mr. Rogers introduced House Bill No. 4, entitled "An act to amend an act relating to weights and measures."

Read the first time.

Also, House Bill No. 5, entitled "An act to amend an act defining the mode of laying out and establishing roads."

Read the first time.

Also, House Bill No. 6, entitled "An act to repeal an act respecting the duties of county and township officers."

Read the first time.

Also, House Bill No. 7, entitled "An act to survey and establish the old Santa Fe road."

Read the first time.

Also, House Bill No. 8, entitled "An act to establish certain State roads."

Read the first time.

Also, House Bill No. 9, entitled "An act for recording marks and brands."



Read the first time.

Mr. Laing introduced House Bill No. 10, entitled "An act for establishing a geological survey."

Read the first time.

On motion of Mr. Lacey,

The rules were suspended, and

House Bill No. 1, entitled "An act relating to records and proceedings in Douglas county," was read the second time, and

Referred to the Committee on Judiciary.

Also, House Bill No. 2, entitled "An act making appropriation for educating the deaf and dumb children of the State of Kansas, for the year 1864," was read the second time, and

Referred to the Committee on Education.

Also, House Bill No. 3, entitled "An act to authorize certain State officers to administer oaths," was read the second time, and

Referred to the Committee on Judiciary.

Also, House Bill 4, entitled "An act to amend an act relating to weights and measures," was read the second time, and

Referred to the Committee on Judiciary.

Also, House Bill No. 5, entitled "An act defining the mode of laying out and establishing roads," was read the second time, and

Referred to the Committee on Roads and Highways.

Also, House Bill No. 6, entitled "An act repealing an act respecting the duties of county and township officers," was read the second time, and

Referred to the Committee on Judiciary.

Also, House Bill No. 7, entitled "An act to survey and establish the old Santa Fe road," was read the second time, and

Referred to the Committee on Roads and Highways.

Also, House Bill No. 8, entitled "An act to establish certain State roads," was read the second time, and

Referred to the Committee on Roads and Highways.

Also, House Bill No. 9, entitled "An act for recording marks and brands," was read the second time, and

Referred to the Committee on Agriculture and Manufactures.

Also, House Bill No. 10, entitled "An act to establish a geological survey," was read the second time, and

Referred to the Committee on Agriculture.

On motion of Mr. Wood,

The resolution that was laid on the table, in relation to appointing an Assistant Doorkeeper, was taken up.

Mr. Wood moved to proceed to elect an Assistant Doorkeeper.

Mr. Glick moved to indefinitely postpone the whole matter.

On which the ayes and noes were demanded; with the following result:

Ayes, 27; noes, 43.

Those gentlemen voting aye were—

Messrs. Barnes (8th district), Bottemi, Bradley, Brumbaugh, Busk, Camp, Campbell, Cavender, Donaldson, Eskridge, Frost, Fullington, Glick, Grover, Hawks, Hidden, Hollenberg, Houts, Hutchins, Jones, Kenner, Lingo, Miller, Pickering, Saqui, Stratton, Taylor—27.

Those gentlemen voting no were—

Messrs. Alford, Ayers, Barnes (21st district), Belding, Batsell, Craig, Cobb, Cummings, Draper, Drenning, Ellis, Emery, Evans, Fleming, Forman, Fox, Freeland, Irwin, Johnson (1st district), Johnston (70th district), Lacock, Laing, Moore, McBride, McCulloch, Oram, Pile, Reynolds, Rogers (54th district), Rogers (60th district), Saunders, Smith, Snook, Sternberg, Stevens, Stone, Thomas, Throckmorton, Trower, Twombly, Wakefield, Williams (9th district), Wood—43.

So the motion was lost.

Mr. Wood offered the following resolution:

Resolved, That the Speaker, after consulting with the Sergeant-at-Arms and Doorkeeper, if he deems it necessary, be authorized to appoint an Assistant Doorkeeper.

On the adoption of the resolution, the ayes and noes were demanded, with the following result:

Ayes, 52; noes, 16.

Gentlemen voting aye were—

Messrs. Alford, Ayres, Barnes (8th district), Barnes (21st district), Belding, Brumbaugh, Busk, Camp, Cavender, Campbell, Craig, Cobb, Cummings, Donaldson, Draper, Ellis, Emery, Evans, Forman, Fox, Freeland, Fullington, Hollenberg, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th), Jones, Lacock, Laing, Lingo, Moore,

McBride, McCulloch, Orem, Pile, Reynolds, Rogers (54th), Rogers (60th), Saunders, Smith, Snook, Sternberg, Stevens, Stone, Thoman, Throckmorton, Trower, Twambley, Wakefield, Wood—52.

Gentlemen voting no were—

Messrs. Batsell, Bottom, Bradley, Drenning, Eskridge, Fleming, Frost, Glick, Hawks, Hidden, Kennaer, Miller, Pickering, Saqui, Taylor, Williams (9th)—16.

And so the resolution was adopted.

On motion of Mr. Bottom,

Senate Concurrent Resolution No. — was concurred in.

On motion, the House adjourned until to-morrow morning, at 11 o'clock, A. M.

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JANUARY 15, 1864, 11 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called—quorum present.

Absentees—Mr. McBride.

Prayer by Rev. Mr. Alward.

Journal of yesterday read, corrected and approved.

Mr. Wood, from the Committee on Rules, made the following report:

MR. SPEAKER—The committee appointed to prepare rules for the government of the House, and to act with a like committee of the Senate, to prepare joint rules for the government of the two Houses, have agreed to report the following rules for the government of the House, and recommend their adoption, and ask further time to report the joint rules.

S. N. WOOD, *Chairman*.

## RULES OF THE HOUSE.

*Powers and Duties of the Speaker.*

RULE 1. The Speaker shall take the chair, each day, at the hour to which the House shall have adjourned. He shall call to order, and, except in the absence of a quorum, shall proceed to business in a manner prescribed by these rules.

RULE 2. He shall possess the powers and perform the duties herein prescribed, namely:

1. He shall preserve order and decorum.
2. He shall decide all questions of order, subject to appeal to the House. On every appeal, he shall have the right, in his place, to assign his reasons for his decision.

3. He shall appoint all committees, except when the House shall otherwise order.

4. He may, in the absence of the Speaker *pro tem.*, substitute any member to perform the duties of the chair, for a period not exceeding two consecutive legislative days, but for no longer period, except by special consent of the House.

5. When the House shall be ready to go into Committee of the Whole, he shall name a chairman to preside.

6. He shall sign all bills passed by the House, and certify the passage of all bills that may be passed over the Governor's veto, with the date of their passage. In the absence of the Speaker, the Speaker *pro tem.* shall perform all the duties required of the Speaker.

*Of the Order of Business.*

RULE 3. The first business of each day's session shall be the calling of the roll, after which the journal shall be read and approved.

RULE 4. The order of business, except on days and at times set apart for the consideration of special orders, shall be as follows, to wit:

1. The presentation of petitions.
2. Reports of standing committees.
3. Reports of select committees.
4. Messages from the Governor.

5. Communications from the State officers.
6. Messages from the Senate.
7. Original motions and resolutions.
8. Consideration of motions and resolutions offered on a previous day.
9. Introduction of bills.
10. Second reading and reference of bills.
11. Third reading of bills reported by the Committee of the Whole.
12. General orders of the day, consisting of bills ready to be considered in Committee of the Whole.

*Of the rights and duties of Members.*

RULE 5. Petitions, memorials, and any other paper addressed to the House, shall be presented by a member in his place or by the Speaker.

RULE 6. Each member presenting a petition, memorial, bill or report of a committee, shall indorse the same with his name or the name of the committee, and a brief statement of its subject.

RULE 7. Each member within the bar of the House, when a question is stated by the chair, shall vote thereon, unless he be excused by the House, and no member shall vote on any question unless within the bar when his name is called, except it be otherwise ordered by the House.

*Of Order and Decorum.*

RULE 8. Any member claiming the floor shall rise in his place and address the Speaker, and shall not proceed until recognized by him.

RULE 9. While a member is speaking, no other member shall entertain any private discourse or pass between him and the chair.

RULE 10. While the Speaker is putting a question, or a count is being had, no member shall speak or leave his place.

*Of Order in Debate.*

RULE 11. No member shall speak twice to the same general question, without leave, nor more than once in any case, until every member desiring to speak shall have had an opportunity to do so.

RULE 12. If any member, in speaking, transgress the rules of the House, the Speaker shall, or any member may, call him to order; in which case, the member so called to order shall immediately take his seat, and retain it, unless he rises to explain or proceed in order.

RULE 13. All questions relating to priority of business shall be decided without debate.

*Of Committees and their Duties.*

RULE 14. Standing committees, consisting of five members each, except of Judiciary, Railroads, and Ways and Means, which shall consist of seven members each, shall be appointed by the Speaker, on the following subjects:

1. Judiciary.
2. Ways and Means.
3. Retrenchment and Reform.
4. Railroads.
5. Federal Relations.
6. Banks and Currency.
7. Corporations.
8. Internal Improvements.
9. Public Institutions.
10. Public Lands.
11. Public Buildings.
12. Elections.
13. Militia.
14. Education.
15. Roads and Highways.
16. Printing.
17. Fees and Salaries.
18. Counties.
19. County Lines and County Seats.
20. Agriculture and Manufactures.
21. Claims.
22. Accounts.
23. Engrossed Bills.
24. Enrolled Bills.
25. State Library.

**RULE 15.** It shall be the duty of each committee to inquire into the matter indicated by its name, and to report thereon to the House any information and any bill or resolution which it may deem conducive to the public good, and any bill referred to a committee shall be reported back to the House within three days after reference, unless further time shall be given by the House.

*Of General and Special Orders.*

**RULE 16.** Bills that have been reported by a standing or select committee shall constitute the general orders, and their titles shall be recorded in a calendar, prepared by the Docket Clerk, in the order in which they are reported from the committees.

**RULE 17.** The business of the general orders shall be taken up as follows: The Clerk shall announce the title of each bill, as it shall be reached in its order, whereupon it may be taken up on the call of any member, but, if not so called, it shall lose its precedence until the entire calendar shall be called. Whenever five bills have thus been called, consecutively, the House shall go into Committee of the Whole upon them, without further order.

**RULE 18.** Each member shall be furnished with a copy of the daily calendar prepared by the Docket Clerk, which shall include the bills on third reading and the general orders.

**RULE 19.** Any matter may be made the special order for any particular time or day, by the consent of two-thirds of the members voting.

**RULE 20.** All general orders pertaining to the organization of new counties or the change of county lines or county seats shall be the order of the day for Friday of each week, and on that day only, and on that day no other business shall be transacted until all such business is disposed of.

**RULE 21.** The unfinished business in which the House [is engaged], at the time of adjournment, shall have precedence in the orders of the day.

*Of Committees of the Whole.*

**RULE 22.** The same rules shall be observed in the Committee of the Whole as in the House, so far as the same are applicable, except that the previous question shall not apply, nor shall the yeas and noes be taken.

RULE 23. A motion to rise and report progress shall be in order at any stage, and shall be decided without debate.

RULE 24. Bills and other matters shall be considered in Committee of the Whole in the following manner, viz.: They shall first be read through, unless the committee shall otherwise order, and unless the committee shall then strike out the enacting clause, they shall be read and considered by sections, leaving the title to be last considered. All amendments, in their coherence, shall be reported to the House by the chairman.

RULE 25. If, at any time, when in the Committee of the Whole House, it be ascertained that there is no quorum present, the chairman shall immediately vacate the chair, and report the fact to the Speaker.

#### *Of Bills.*

RULE 26. No bill shall be introduced except as provided in Rule 4, unless by unanimous consent.

RULE 27. Each bill, when introduced, shall be sent to the Clerk, who shall read its title. This the Speaker shall announce as the first reading of the bill.

RULE 28. Upon the next day, it shall be read (by its title, unless five members shall demand its reading in full,) and be referred to the appropriate standing or to a select committee.

RULE 29. That no bill be presented unless it be so recommended by a committee, or be so ordered by the House.

RULE 30. After being reported by the Committee of the Whole, if the bill is not rejected, it shall be engrossed for a third reading.

RULE 31. On the next or some subsequent day, it shall be read a third time, by sections, and put upon its final passage, without amendment.

RULE 32. Bills reported by the Committee of the Whole shall still be subject to debate before the question to engross is put; such amendments only shall be in order as were offered in the Committee of the Whole; and where a bill shall be reported with the enacting clause stricken out, and the report shall be agreed to by the House, it shall be considered as rejected.

RULE 33. All bills shall be engrossed in the order in which they have been directed to be engrossed by the House.



RULE 34. The question upon the final passage of all bills shall be taken by ayes and noes; and the vote upon the final passage of any bill in the House, which may have been amended by the Senate, shall only be passed by a majority of all the members elected to the House, voting by ayes and noes.

*Of Motions and their Precedence.*

RULE 35. When a question shall be under consideration, no motion shall be received except as herein specified; which motions shall have precedence in the order stated, viz.:

1. For adjournment of the House.
2. For a call of the House.
3. For the previous question.
4. To lay on the table.
5. To postpone to a certain day.
6. To commit to the Committee of the Whole.
7. To commit to a standing committee.
8. To commit to a select committee.
9. To amend.
10. To indefinitely postpone.

RULE 36. The motion to adjourn, for a call of the House, and to lay on the table, shall be decided without amendment or debate. The several motions to postpone or commit shall preclude all debate of the main question.

RULE 37. Every motion shall first be stated by the Speaker or read by the Clerk, before debate, and again immediately before putting the question; and every motion, except those specified in the 35th rule, shall be reduced to writing, if the Speaker or any member desire it: *Provided*, that the motion to amend shall be reduced to writing if required by the Speaker.

RULE 38. That no subject different from that under consideration shall be admitted under color of amendments.

RULE 39. When different sums are moved in filling blanks, the question shall first be put on the largest sum and the longest time.

RULE 40. The motion to adjourn shall be always in order.

RULE 41. No motion for reconsideration of any vote shall be in order, unless on the same day or the following legislative day to that

on which the decision proposed to be reconsidered took place, nor unless one of the majority shall move such reconsideration. A motion for reconsideration being put and lost, shall not be renewed, nor shall any subject or vote be a second time reconsidered, without unanimous consent.

*Of Resolutions.*

RULE 42. The following class of resolutions shall lie over one day for consideration, after which they may be called up, under their appropriate order of business:

1. All concurrent resolutions.
2. Resolutions containing calls for information on the executive department.
3. Resolutions giving rise to debate, except such as relate to the disposition of matter immediately before the House, such as relate to the business of the day on which they are offered, and such as relate to adjournments.

RULE 43. All resolutions for the printing of an extra number of any document, paper or bill, shall be referred as of course to the standing Committee on Printing, to consider and report thereon.

RULE 44. All other resolutions calling for or leading to expenditure for the uses of the Legislature shall be referred to and reported on by the Committee on Accounts, unless the House shall designate some other committee.

*Of the Previous Question.*

RULE 45. The "Previous Question" shall be as follows: "Shall the main question now be put?" and, until it is decided, shall preclude all amendments or debate. When, on taking the previous question, the House shall decide that the main question shall not now be put, the main question shall be considered as still remaining under debate. The "Main Question" shall be on the passage of the bill, resolution or other matter under consideration; but, when amendments are pending, the question shall first be taken upon such amendments in their order, and when amendments have been adopted by the Committee of the Whole, and not acted on in the House, the question shall be taken upon such amendments in like order, and without further debate or amendment.

*Of Admissions to the Floor of the House.*

**RULE 46.** The following class of persons, and no others, shall have admission to the floor of the House:

1. All members and officers of the Legislature.
2. State officers.
3. Reporters of the public press.
4. Judges of the Supreme and District Courts.

*Miscellaneous Provisions.*

**RULE 47.** In all cases of the absence of a quorum during the sessions of the House, the members present may take such measures as they shall deem necessary to secure the presence of a quorum, and may inflict such censure or pecuniary penalty as they may deem just, on those who, being called for that purpose, shall render no sufficient excuse for their absence.

**RULE 48.** The Speaker shall not be compelled to vote, except when his vote will change the result.

**RULE 49.** If any question contain distinct propositions, it shall be divided by the chair, at the request of any member; but a motion to strike out and insert shall be indivisible.

**RULE 50.** In all cases where a bill, order, motion, resolution, shall be entered on the journal, the name of the member introducing or moving the same shall also be entered.

**RULE 51.** The ayes and noes may be taken on any question, whenever so required by any five members, (unless a division of ayes and noes be already pending), and when so taken, shall be entered on the journal.

**RULE 52.** No rule or order of the House shall be suspended, rescinded or changed, except by a vote of two-thirds of all the members voting.

**RULE 53.** Concurrent resolutions from either House, and Senate's amendments to House bills, shall be in order at any time when no question is pending.

**RULE 54.** The call of the House shall be ordered on the demand of any five members, on the taking of a vote on any bill or resolution.

Referred to the Committee on Agriculture.

On motion of Mr. Wood,

The resolution that was laid on the table, in relation to appointing an Assistant Doorkeeper, was taken up.

Mr. Wood moved to proceed to elect an Assistant Doorkeeper.

Mr. Glick moved to indefinitely postpone the whole matter.

On which the ayes and noes were demanded; with the following result:

Ayes, 27; noes, 43.

Those gentlemen voting aye were—

Messrs. Barnes (8th district), Bottoni, Bradley, Brumbaugh, Buek, Camp, Campbell, Cavender, Donaldson, Eskridge, Frost, Fullington, Glick, Grover, Hawks, Hidden, Hollenberg, Houts, Hutchins, Jones, Kenner, Lingo, Miller, Pickering, Saqui, Stratton, Taylor—27.

Those gentlemen voting no were—

Messrs. Alford, Ayers, Barnes (21st district), Belding, Batsell, Craig, Cobb, Cummings, Draper, Drenning, Ellis, Emery, Evans, Fleming, Forman, Fox, Freeland, Irwin, Johnson (1st district), Johnston (70th district), Lacock, Laing, Moore, McBride, McCulloch, Oram, Pile, Reynolds, Rogers (54th district), Rogers (60th district), Saunders, Smith, Snook, Sternberg, Stevens, Stone, Thoman, Throckmorton, Tower, Twombly, Wakefield, Williams (9th district), Wood—43.

So the motion was lost.

Mr. Wood offered the following resolution:

*Resolved*, That the Speaker, after consulting with the Sergeant-at-Arms and Doorkeeper, if he deems it necessary, be authorized to appoint an Assistant Doorkeeper.

On the adoption of the resolution, the ayes and noes were demanded, with the following result:

Ayes, 52; noes, 16.

Gentlemen voting aye were—

Messrs. Alford, Ayres, Barnes (8th district), Barnes (21st district), Belding, Brumbaugh, Buek, Camp, Cavender, Campbell, Craig, Cobb, Cummings, Donaldson, Draper, Ellis, Emery, Evans, Forman, Fox, Freeland, Fullington, Hollenberg, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th), Jones, Lacock, Laing, Lingo, Moore,

or special order; he shall brush and arrange the desks and hall, procure water and keep the hall properly warmed and ventilated, and execute all orders directed to him by the House.

**RULE 63.** In any case where these rules do not apply, the rules of parliamentary law laid down in Cushing's Manual, shall govern.

**MR. SPEAKER**—Your Committee on Rules ask leave to report the following joint rules. **S. N. WOOD, *Chairman*.**

JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

**RULE 1.** Each House shall, as soon as organized, report that fact to the other House; and the two Houses shall, by Joint Committee, inform the Governor that they are ready to receive any communication he may have to make.

**RULE 2.** Messages from one House to the other shall be carried by their Clerks respectively, unless the House transmitting the message shall specially direct otherwise.

**RULE 3.** In joint convention of the two Houses, the President of the Senate shall preside.

**RULE 4.** Each House shall transmit to the other, all papers on which any bill or resolution may be founded.

**RULE 5.** It shall be in the power of either House to amend any amendment made by the other, to any bill or resolution.

**RULE 6.** When a bill or resolution, which shall have passed in one House, is rejected in the other, notice thereof shall be given to the House in which the same was passed.

**RULE 7.** In case of difference between the two Houses, upon any subject of legislation, either House may request a conference, and appoint a committee for that purpose; and the other House shall appoint a similar committee. The committee shall meet at the time and place appointed by the Chairman of the committee on the part of the House requesting such conference. The committees shall confer upon the cause of difference, with a view to arrive at such modifications and amendments as would secure the agreement of both Houses. The report of the committee shall be in writing, and shall be sent to the House assenting to the conference. When such House shall have acted thereon, it shall transmit the same, with the papers relating thereto, to the other, with a message certifying its action thereon.

**RULE 8.** It shall be in order for either House to recede from any subject matter of difference subsisting between the two Houses, at any time previous to conference, whether the papers on which such difference arose are before the House receding, formally or informally.

**RULE 9.** If the two Houses adhere to their disagreement, or if as many as two Committees of Conference have been appointed, and cannot agree, the bill which is the subject of difference shall be deemed lost, and shall not be revived in either House during that session.

**RULE 10.** All joint committees, and all committees of conference, shall consist of three members of the Senate, and five members of the House, unless otherwise specially ordered by concurrent resolution.

**RULE 11.** When a joint bill or concurrent resolution shall have passed one House, it shall be transmitted to the other, without entering an order on the journal.

**RULE 12.** After a bill shall have passed both Houses, it shall be neatly enrolled by the Enrolling Clerk of the House of Representatives.

**RULE 13.** After a bill is duly enrolled, it shall be examined by the Joint Committee on Enrolled Bills, who shall carefully compare the enrolled bill with the engrossed bill, as passed in the two Houses, and correct any errors that may be discovered in the enrolled bill, and report forthwith in writing, which report shall be entered on the journal of the House of Representatives, and they shall return the engrossed bill to the Enrolling Clerk of the House. After such examination and report, the committee shall present the bill to the Speaker of the House, for his signature, and to the Chief Clerk, who shall certify on the roll that the bill originated in the House of Representatives, together with the date of the introduction of such bill, and the date of the passage thereof, after which the committee shall present the bill to the President of the Senate, for his signature, and to the Secretary for his certificate. Immediately after a bill is properly signed, the committee shall present it to the Governor for his approval, and report, in writing, to the House of Representatives, the day of the week, and date of the month, on which

such bill was so presented, which report shall be entered on the journal of the House.

RULE 14. All joint orders, memorials and resolutions, which are to be presented to the Governor for his approval, shall be treated in the same manner as bills.

RULE 15. The committee of each House on legislative expenditures, the State library, enrolled bills and printing, shall act jointly, and be considered joint committees of the two Houses.

RULE 16. The general appropriation bill shall be introduced into the House at least ten days before the close of the session, and passed and sent to the Senate at least five days before the close of the session.

RULE 17. No bill, joint or concurrent resolution shall be printed until so ordered by one or the other House, and, when so ordered, 150 copies shall be printed for the use of both Houses; and, when either House makes an order for such printing, it shall immediately inform the other House of such order, and the other House shall not order the printing of the same document. No extra number of any document shall be printed, except it be ordered by a concurrent resolution of both Houses.

RULE 18. Orders to print, unexecuted, expire at the close of the session, and no document shall be printed or delivered, after the final adjournment, unless under some law or resolution of the two Houses.

RULE 19. Whenever there shall be an election of officers, by the joint action of the two Houses, the result shall be certified by the President of the Senate and Speaker of the House, and shall be reported by each to their respective Houses, which report shall be entered on the journal of each, and shall be communicated to the Governor by the clerks of the two Houses, jointly.

RULE 20. When amendments are made in one House to a bill or joint resolution originating in the other, or where amendments are made in one House to amendments made in the other, it shall require a vote of a majority of all the members elected to either House, on the call of the ayes and noes to adopt said amendment on its final passage.

RULE 21. In joint conventions of the two Houses, the previous

question shall be in the usual form, and, when sustained by a majority of the members present, it shall cut off all debate or amendment, and bring the convention to a direct vote, but the vote shall be taken on all pending amendments, in their order, until the main question is reached.

RULE 22. These rules may be changed or suspended, by concurrent resolution, on the vote of two-thirds of the members present in each House.

Mr. Johnson introduced House Joint Resolution No. 1, entitled "To change section one (1) and three (3) of article five (5) of the constitution, to allow soldiers to vote."

Read the first time.

Mr. ——— introduced House Joint Resolution No. 2, entitled "Relating to President Lincoln and his administration."

Read the first time.

Mr. Glick moved that one hundred copies of the rules be printed for the use of this House, and that the matter be referred to the Committee on Printing.

Carried.

Mr. Brumbaugh, from the Committee on the Governor's Message, made the following report, which was accepted:

The committee to whom was referred the Governor's message, for the purpose of apportioning its recommendations among the several standing committees, make the following report:

1st. That portion of the Governor's message referring to finances be referred to the Committee on Ways and Means.

2nd. That portion of the message which recommends a revision of the revenue laws, and that a new law be enacted in place of the present tax law, be referred to the Committee on Judiciary.

3rd. That recommendations and suggestions contained in the message in reference to the penitentiary and benevolent institutions be referred to the Committee on Public Institutions.

4th. That the recommendations in regard to agriculture and geological survey of the State be referred to the Committee on Agriculture and Manufactures.

5th. That the portion of the message which recommends the passage of a law regulating the granting of pardons by the Executive,



under section 7, article first, of the constitution, and also that portion which refers to the right of the soldier to vote, and the colored race, be referred to the Committee on Judiciary.

6th. That the portion of the message which refers to the grant of lands from the general government for railroads be referred to the Committee on Railroads.

7th. That the suggestions in reference to the State Normal School, Agricultural College and State University be referred to the Committee on Education.

8th. That the recommendations in regard to an entire revision of the militia law be referred to the Committee on Militia.

9th. And that portion of the message which refers to the appointment of an agent at Washington, and making an appropriation to pay the agent already appointed by his Excellency in reference to aiding the soldiers and heirs of deceased soldiers, to recover from the general government the bounty and pensions due such soldiers, be referred to the Committee on Ways and Means.

10th. That the portion of the message which refers to the border memorials and soldiers' pay be referred to the Committee on Federal Relations.

11th. That, in conclusion, your committee would suggest that, considering the importance of the subject, and there being no appropriate committee, that the recommendations and suggestions contained in the message, in reference to emigration to this State, be referred to a special committee of five.

All of which is respectfully submitted.

J. D. BRUMBAUGH, *Chairman.*

Mr. Wakefield offered the following resolution, which was, on motion, adopted:

*Resolved*, That so much of the Governor's message as referred to the losses of citizens of Kansas by the border invasion by the proslavery party, in 1855, 1856 and 1857, be referred to a special committee of three.

Mr. Moore offered the following resolution, which was, on motion, adopted:

*Resolved*, That the Sergeant-at-Arms be directed to move the saw dust from this room immediately after the adjournment of this

House, and that the same officer be authorized and directed to have the floor of this hall covered with cocoa matting at as early a day as possible.

Mr. Thoman offered the following resolution, which was, on motion, adopted :

*Resolved*, That the 1,000 copies of the Governor's message ordered to be printed in German, be awarded to the only German newspaper in the State, the *Kansas Zeitung*. A. THOMAN.

Mr. Hutchins offered the following resolution, which was, on motion, adopted :

*Resolved*, That the Sergeant-at-Arms be instructed to procure from the Secretary of State, for the officers of this House, the Laws of 1861, 1862 and 1863, with the Compiled Laws of 1862. Also, a copy of the impeachment trial and journal.

E. M. HUTCHINS.

Mr. Wood offered the following resolution, which was, on motion, laid over under the rules :

*Resolved*, That the Committee on Judiciary be instructed to report amendments to the laws governing courts and criminal procedure, so as

- 1st. Dispense with grand juries, or materially lessen their number.
- 2d. That but one petit jury be empaneled for one court, unless ordered by the Judge in term.
- 3d. That all simple assaults and batteries, petit larcenies, &c., be tried before a jury before a justice of the peace.
- 4th. That in all prosecutions less than a felony, the prosecutor shall pay the costs, unless the party prosecuted shall be convicted.

Mr. Wood offered the following resolution, which was laid over under the rule.

WHEREAS, It appears from official documents contained in the Governor's message, that the Secretary of War has not only interfered with the recruiting service in Kansas, but has authorized persons to recruit in this State without authority of the Governor, and has delegated to other parties the power to name the officers of our volunteer regiments, and in some cases has issued commissions himself; therefore,

*Resolved*,—1st, That a committee of three be appointed to report

to this House, as soon as possible, the number of men raised for the United States service in Kansas, without the authority of the Governor.

2nd. The number of officers appointed or commissioned for said regiments by any other person than the Governor, and by whom.

3rd. By what authority these troops were authorized, and by what time were the officers appointed and commissioned.

4th. Whether the Governor has or has not promptly furnished all the troops for which requisitions have been made on him by the general government.

5th. Whether the Secretary of War has appointed special recruiting commissioners, or appointed and commissioned officers of volunteer regiments in any other loyal State except Kansas; and what action, if any, is necessary to maintain our State Sovereignty, as subordinate only to the constitution of the United States.

Mr. Wood offered the following concurrent resolution, (No. 2,) entitled "Instructing the united Senators and Representatives of the State of Kansas to demand the removal of Capt. Sidney Clarke."

Mr. Eskridge offered the following resolution, which was, on motion, adopted:

*Resolved*, That the Judiciary Committee are hereby requested to prepare and introduce a bill to abolish grand juries.

Mr. Brumbaugh offered the following resolution, which was, on motion, adopted:

*Resolved*, That the regular hour of meeting of this House shall be 10 o'clock, A. M., and 2 o'clock, P. M., until otherwise ordered.

The following communication was received:

*To the Speaker of the House of Representatives:*

Sir—In compliance with a request of the State Agricultural Society, I desire to ask of the Representatives of the people the use of this hall, on Wednesday evenings, during the session, for the meetings of the farmers of the State for general discussion on agricultural subjects.

Very respectfully,

CHAS. B. LINES.

Topeka, Kansas, Jan. 14, 1864.

Mr. Moore offered the following resolution, which was, on motion, adopted:

*Resolved*, That the House of Representatives grant the use of this hall, on Wednesday evenings, to the State Agricultural Society, provided the same does not interfere with the necessary session of this House.

Leave of absence was granted to Mr. McBride until Saturday evening.

Mr. Reynolds offered the following resolution, which was, on motion, adopted:

*Resolved*, That the Sergeant-at-Arms be directed to have the windows of this [hall] so arranged that the upper sash may be lowered for ventilation.

C. REYNOLDS.

Mr. Eskridge offered the following resolution, which was referred to the Committee on Printing:

*Resolved*, That two thousand copies each of the reports of State officers be printed and furnished the members of this House, at an early day.

Mr. Wood offered the following resolution, which was, on motion, adopted:

*Resolved*, That the Sergeant-at-Arms be instructed to make a door connecting the center hall of the house with the lobby.

Mr. Jones offered the following resolution, which was, on motion, adopted:

*Resolved*, That a committee of three be appointed to examine the office of the Secretary of State, and report its condition at an early day; also, what further legislation, if any, is necessary to enable the Secretary to officially discharge his duties.

Mr. Saunders introduced House bill No. 11, entitled "An act to amend an act defining the mode of laying out and establishing roads, approved February 27th, 1860."

Read the first time.

Also, House bill No. 12, entitled "An act to establish and locate an institution for the education of the deaf and dumb, at Leroy, in Coffey county."

Read the first time.

Mr. Thoman introduced House bill No. 13, entitled "An act to regulate the running at large of stock."

Read the first time.

Also, House bill No. 14, entitled "An act to amend an act entitled 'An act to regulate the taking up and posting of strays.'"

Read the first time.

Also, House bill No. 15, entitled "An act to establish a ferry across the Kansas river at Eudora."

Read the first time.

Also, House bill No. 16, entitled "An act to locate certain State roads."

Read the first time.

Also, House bill No. 17, entitled "An act to establish certain State roads."

Read the first time.

Mr. Fox introduced House bill No. 18, entitled "An act to establish certain State roads."

Read the first time.

Mr. Eskridge introduced House bill No. 19, entitled "An act to organize the State Normal School."

Read the first time.

Mr. Chestnut introduced House bill No. 20, entitled "An act to enable Osawatimie township, in Miami county, to purchase land for the location of the State Insane Asylum."

Read the first time.

Mr. Ellis introduced House bill No. 21, entitled "An act appropriating township and road money for school purposes."

Read the first time.

Also, House bill No. 22, entitled "An act to amend an act entitled 'An act to regulate the taking up and posting of strays,' approved May 23d, A. D. 1861."

Read the first time.

Mr. Forman introduced House bill No. 23, entitled "An act to vacate the streets, alleys, parks and public grounds of the town of Laporte, in Doniphan county."

Read the first time.

Mr. Smith introduced House bill No. 24, entitled "An act to change the time at which shall commence and close the term of the office of County Treasurer."

Read the first time.

Also, House bill No. 25, entitled "An act relating to the levying and collecting of road taxes."

Read the first time.

Also, House bill No. 26, entitled "An act relating to county finances."

Read the first time.

Mr. Brumbaugh introduced House bill No. 27, entitled "An act relating to the acknowledgment of bills of sale and mortgages."

Read the first time.

Mr. Orem introduced House bill No. 28, entitled "An act in relation to the proceedings before Justices of the Peace."

Read the first time.

Also, House bill No. 29, entitled "An act to establish township elections."

Read the first time.

Mr. Sternberg introduced House bill No. 30, entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the city of Lawrence,' approved February 27, 1860."

Read the first time.

Mr. Stone introduced House bill No. 31, entitled "An act for the regulation and support of common schools."

Read the first time.

Mr. Miller introduced House bill No. 32, entitled "An act in relation to Fort Scott."

Read the first time.

Mr. Barnes introduced House bill No. 33, entitled "An act to locate a certain State road."

Read the first time.

Mr. Wood introduced House bill No. 34, entitled "An act to establish the eastern boundary of Morris county."

Read the first time.

Mr. Hutchins introduced House bill No. 35, entitled "An act to change the name of the town and township of Sautrell Falls and Sautrell river, to repeal chapter 40 of the laws of A. D. 1863."

Read the first time.

On motion, the House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK, P. M.

House called to order.

Speaker in the chair.

Quorum present.

On motion of Mr. Emery,

The rules were suspended, and House bill No. 11, entitled ["An act to] amend an act defining the mode of laying out and establishing roads, approved February 27, 1860."

Read the second time.

Referred to the Committee on Roads and Highways.

Also, House bill No. 12, entitled "An act to establish and locate an institution for the education of the deaf and dumb at Leroy, in Coffey county."

Read second time.

Referred to Committee on Public Institutions.

Also, House bill No. 13, entitled "An act to regulate the running at large of stock."

Read second time.

Referred to Committee on Agriculture.

Also, House bill No. 14, entitled "An act to amend an act to regulate the taking up and posting of strays."

Read second time.

Referred to the Committee on Agriculture.

Also, House bill No. 15, entitled "An act to establish a ferry across the Kansas river at Eudora."

Read second time.

Referred to the [Committee] on Corporations.

Also, House bill No. 16, entitled "An act to locate a certain State road."

Read second time.

Referred to the Committee on Roads and Highways.

Also House bill No. 17, entitled "An act to establish State roads."

Read second time.

Referred to Committee on Roads and Highways.

Also, House bill No. 18, entitled "An act to establish certain State roads."

Read the second time.

Referred to the Committee on Roads and Highways.

Also, House bill No. 19, entitled "An act to organize the State Normal School."

Read the second time.

Referred to the Committee on Education.

Also, House bill No. 20, entitled "An act to enable Osawatomie township, in Miami county, to purchase lands for the location of the State Insane Asylum."

Read the second time.

Referred to the Committee on Public Institutions.

Also, House bill No. 21, entitled "An act appropriating township and road money for school purposes."

Read the second time.

Referred to the Committee on Education.

Also, House bill No. 22, entitled "An act to amend an act entitled 'An act to regulate the taking up and posting of strays,' approved May 23d, 1861."

Read the second time.

Referred to the Committee on Agriculture.

Also, House bill No. 23, entitled "An act to vacate the streets, alleys, parks and public grounds of the town of Laporte, in Doniphan county."

Read the second time.

Referred to the Committee on Corporations.

Also, House bill No. 24, entitled "An act to change the time at which shall commence and close the term of office of the County Treasurers."

Read the second time.

Referred to the Committee on Counties.

Also, House bill No. 25, entitled "An act relating to levying and collection of road taxes."

Read the second time.

Referred to the Committee on Ways and Means.

Also, House bill No. 26, entitled "An act relating to county finances."



Read the second time.

Referred to the Committee on Ways and Means.

Also, House bill No. 27, entitled "An act relating to the acknowledgment of bills of sale and mortgages."

Read the second time.

Referred to the Committee on Judiciary.

Also, House bill No. 28, entitled "An act relating to procedure before justices of the peace."

Read the second time.

Referred to the Committee on Judiciary.

Also, House bill No. 29, entitled "An act to abolish township elections."

Read the second time.

Referred to the Committee on Judiciary.

Also, House bill No. 30, entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the city of Lawrence,' approved February 27, 1860."

Read the second time.

Referred to the Committee on Corporations.

Also, House bill No. 31, entitled "An act for the regulation and support of common schools."

Read the second time.

Referred to the Committee on Education.

Also, House bill No. 32, entitled "An act in relation to the city of Fort Scott."

Read the second time.

Referred to the Committee on Corporations.

Also, House bill No. 33, entitled "An act to locate certain State roads."

Read the second time.

Referred to the Committee on Roads and Highways.

Also, House bill No. 34, entitled "An act to establish the eastern boundary of Morris county."

Read the second time.

Referred to the Committee on County Lines.

Also, House bill No. 35, entitled "An act to change the name of the town and township of Sautrell Falls and Sautrell river, to repeal chapter 40 of the Statutes of 1863."

Read the second time.

Referred to the Committee on Corporations.

Mr. Forman introduced the following resolution, which was, on motion, adopted :

*Resolved*, That the Secretary of State be authorized to secure suitable rooms for the Enrolling and Engrossing Clerks of this House, during the session.

Mr. Laing offered the following resolution, which was laid over under the rule :

*Resolved*, That the use of this hall be granted to the ladies of the Presbyterian Church, for the purpose of holding a festival, on the afternoon and evening of January 26th, inst., 1864.

Mr. Hidden offered the following resolution, which was laid over under the rules :

*Resolved*, That the Sergeant-at-Arms be directed to furnish ten copies of the *Daily Topeka Tribune* to each of the members and officers of the House during the session : *Provided*, that the same are furnished at one dollar per copy during the session.

The Speaker appointed the following standing committees of the House :

*Judiciary.*

Messrs. Saunders, Taylor, Rogers (60th district), Glick, Emery, Brumbaugh and Camp.

*Federal Relations.*

Messrs. Stratton, Saunders, Hidden, Forman and Donaldson.

*Ways and Means.*

Messrs. Johnson (1st district), Laing, Stratton, Wood, Cobb, Glick and Sternberg.

*Banks and Currency.*

Messrs. Twombly, Pickering, Fox, Craig and Batsell.

*Corporations other than Banks.*

Messrs. Moore, Stone, Irwin, Evans and Cavender.

*Internal Improvement.*

Messrs. Brumbaugh, Draper, Johnston (70th district), Trower and Barnes (8th district),

*Public Institutions.*

Messrs. Rogers (54th district), Twombly, Williams, (9th district), Miller and Fullington.

*Elections.*

Messrs. Grover, Hidden, Stephens, Donaldson and Craig.

*Militia.*

Messrs. Wood, Wakefield, Thoman, Drenning and Batsell.

*Education.*

Messrs. Smith, Rogers (60th district), Moore, Kenner and Camp.

*Roads and Highways.*

Messrs. Ayers, Chestnut, Jones, Williams (18th district), and Alford.

*Railroads.*

Messrs. Eskridge, Lacock, Laing, Saqui, Sternberg and Wood.

*Printing.*

Messrs. Ellis, Hersey, Jones, Cummings and Campbell.

*Fees and Salaries.*

Messrs. Hersey, Houts, Pile, Hawks and Evans.

*County Seats and County Lines.*

Messrs. Glick, Hutchinson, Bradley, Eskridge and Fleming.

*Counties.*

Messrs. Reynolds, Campbell, Frost, Hollinberg and Miller.

*Agriculture, Manufacture and Mining.*

Messrs. Barnes (8th district), Cavender, Irwin, Orem and Walker.

*Claims.*

Messrs. Lacock, McBride, Pickering, Fox and Freeland.

*Accounts.*

Messrs. Buck, Lingo, McCulloch, Snooks and Wakefield.

*Engrossed Bills.*

Messrs. Cobb, Drenning, Hawks, Williams (18th district), Bradley.

*Enrolled Bills.*

Messrs. Forman, Fleming, Johnston (70th district), Pile and Throckmorton.

*Retrenchment and Reform.*

Messrs. Trower, Bottom, Grover, Saqui and Thomas.

*State Library.*

Messrs. Bottom, Bradley, Chestnut, Pile and Stone.

*Public Lands.*

Messrs. Emery, Belding, Cummings, McBride and Taylor.

*Public Buildings.*

Messrs. Cummings, Drenning, Ellis, Fullington and Alford.

Mr. Wood offered the following resolution, which was, on motion, adopted :

*Resolved*, That this House is opposed to the Legislature ordering newspapers at the expense of the State, and will vote against any appropriation for that purpose.

Mr. Emery offered the following resolution, which was, on motion, adopted :

*Resolved*, That the Committee on Ways and Means be instructed to report to this House the general appropriation bill, on or before the 10th day of February next.

On motion, the House adjourned.

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SATURDAY, JANUARY 16, 1864, 10 o'clock, A. M.

House called to order.

Speaker in the chair.

Rell called.

Quorum present.

Absentees—Messrs. Chestnut, Cobb, Glick, Miller, Stratton and Williams, 18th.

Journal of yesterday read and approved.

The Speaker announced the following special Committee on Emigration :

Laing, Lacock, Ellis and Throckmorton.

Mr. Brumbaugh offered the petition of Geo. Guitar and others, praying for a herding law.

Referred to the Committee on Agriculture.

Mr. Grover offered the petition of John M. Allen and others, praying the Legislature to memorialize Congress to raise the bounty of Kansas soldiers.

Referred to the Committee on Federal Relations.

Mr. Emery offered the petition of James B. Abbott and others, relating to a reform in spelling.

Referred to the Committee on Education.

Mr. Ellis, from the Committee on Printing, made the following report, which was adopted as amended:

MR. SPEAKER—The Committee on Printing, to whom was referred the various reports of the officers of the State, after a careful examination of the same, submit the following report:

That there be printed in one volume, one thousand copies of the Auditor's report and Treasurer's report.

Also, four hundred copies of the reports of the Secretary of State, Attorney General, Directors of the Penitentiary, Superintendent of the Kansas Deaf and Dumb Institute, Commissioners to locate State University, and Commissioners to locate State Normal School, together with the reports of the Auditor and Treasurer, to be stitched in one volume.

The report of the Superintendent of Public Instruction having been placed in the hands of the committee since the foregoing report was made, the committee recommend the printing of one thousand copies of the same, to be attached to the reports of the Secretary of State, Attorney General, &c.

T. H. ELLIS,

*Chairman.*

Mr. Ellis, from the Committee on Printing, made the following report, which was laid upon the table until joint rules were reported:

MR. SPEAKER—The Committee on Printing, to whom was referred the amended rules for the government of the House, recommend that two hundred copies be printed for the use of the House.

T. H. ELLIS,

*Chairman.*

Mr. Campbell offered the following resolution, which was laid over under the rules:

*Resolved*, That a special committee of five be appointed to investigate the claims of all the militia of Kansas who have done actual service in the field, and prepare a bill for auditing the same at an early day as possible.

Mr. Saunders offered the following resolution, which was adopted:

*Resolved*, That the Secretary of State be instructed, and is hereby authorized to procure a suitable room for each of the Committees on "Judiciary" and "Ways and Means," and provide them with furniture, stationery, lights and fire for their convenience.

Mr. Camp offered the following resolution, which was lost:

*Resolved*, That the Speaker of the House be authorized to appoint an assistant Journal Clerk.

Mr. Eskridge offered the following resolution, which was laid over under the rules:

WHEREAS, The distinguished service rendered the cause of the Union from the commencement of the Southern rebellion to the present time by Col. W. F. Cloud, of Kansas, entitles him to the thanks and gratitude of the country, and especially of the people of Kansas; and,

WHEREAS, His loyalty, patriotism and ability as a commander is and ever has been unquestioned; therefore,

*Resolved*, That the President of the United States is hereby requested to promote Col. W. F. Cloud to the position of a Brigadier General.

*Resolved*, That the Secretary of State be furnished by the Clerk of this House with a copy of these resolutions, and requested to forward the same to the President of the United States, and to Col. Cloud.

Mr. Rogers offered the following resolution, which was laid over under the rules:

*Resolved*, That no bills shall be introduced into this House after the 25th day of this session, except the general appropriation bills and bills relating to revenue.

Mr. Wood offered the following resolution, which was laid over under the rules:

*Resolved*, That the Committee on Corporations be instructed to report an amendment to the act incorporating the Leavenworth, Pawnee and Western railroad charter so as to compel the Union Pacific railroad company, Eastern Division, now acting under that charter, to make Lawrence, Topeka, Manhattan and Junction City, points in said road.

Mr. Bottom offered the following resolution, which was laid over under the rules:

*Resolved*, That two hundred copies of the bill passed by Congress at its last session, granting lands to the State of Kansas for railroad purposes, be and the same are hereby ordered to be printed for the use of this House.

Mr. Eskridge offered the following resolution, which was laid over under the rules:

*Resolved*, That the Committee on Judiciary are hereby requested to bring in a bill for the disposal of the school lands.

Mr. Wood offered the following resolution, which was laid over under the rules:

*Resolved*, That the Committee on County Organizations be instructed to examine the various laws regulating the meeting of county board commissioners, so as to lessen their number, and for the transaction of all the business of the board at a regular meeting. Also, to change the law that county boards may not be compelled to sit over one day, unless there be business before the board not acted upon.

The resolution offered on yesterday by Mr. Wood in relation to raising troops in Kansas, was taken up and referred to a special committee of three, consisting of Wood, Brumbaugh and Reynolds.

Concurrent resolution No. 2 was taken up and referred to a special committee, consisting of Messrs. Glick, Fox, Saunders, Kenner and Fullington.

Mr. Pickering introduced House bill No. 36, entitled "An act to accept the grant of lands made to the State of Kansas by the Congress of the United States, to aid in the construction of certain railroads and telegraphs in said State, and to apply the same to the construction of such roads and telegraphs."

Read the first time.

Mr. Glick introduced House bill No. 37, entitled "An act to regulate the granting of pardons."

Read the first time.

Mr. Pile introduced House bill No. 38, entitled "An act to establish certain State roads from Garnett to Ohio City."

Read the first time.

Mr. Ellis introduced House bill No. 39, entitled "An act to locate a State road from Lawrence to Fort Scott, by way of Black Jack, Osawatomie and Mound City."

Read the first time.

Mr. Stephens introduced House bill No. 40, entitled "An act to repeal an act entitled 'An act to provide for the protection of game.'"

Read the first time.

Mr. Cobb introduced House bill No. 41, entitled "An act to legalize a certain deed."

Read the first time.

Mr. Hawks introduced House bill No. 42, entitled "An act making appropriation for the current legislative expenses for the year A. D. 1864."

Read the first time.

Mr. Wood introduced House bill No. 43, entitled "An act limiting the power of county commissioners."

Read the first time.

Mr. Orem introduced House joint resolution No. 3, entitled "To amend section one (1), of article five (5), of the Constitution, so as to abolish the distinction of color."

Read the first time.

House joint resolution No 1, entitled "To change section one and three of article five of the Constitution, to allow soldiers to vote."

Read the second time.

Referred to the Committee on Elections.

Also, House joint resolution No. 2, entitled "Relating to President Lincoln and his administration."

Read the second time.

Referred to the Committee on Judiciary.

Mr. Wood moved to reconsider the vote taken yesterday, instructing the Sergeant-at-Arms to carpet this hall.

Motion lost.

Mr. Fox offered the following resolution, which was lost:

*Resolved*, That the Sergeant-at-Arms be authorized to fasten coat hooks to the sides of the windows for the use of members.

On motion, the House adjourned.



## AFTERNOON SESSION.

2 o'clock, P. M.

House called to order.

Speaker in the chair.

Quorum present.

The following resolution, which was offered on the previous day, was taken up and adopted:

- Resolved*, That the use of this hall be granted to the ladies of the Presbyterian Church for the purpose of holding a festival on the afternoon and evening of January 26th inst., 1864.

Mr. Fox offered the following resolution, which was adopted:

*Resolved*, That the Speaker be authorized to appoint an Assistant Journal Clerk.

Mr. Buck offered the following resolution, which was lost:

*Resolved*, That the Sergeant-at-Arms be instructed to procure suitable rooms for the Committee on Accounts.

Special Committee on that part of the Governor's message in reference to losses of 1855, 1856 and 1857, was announced by the Speaker as follows:

Messrs. Wakefield, Wood, McBride, Eskridge and Williams.

Mr. Lacock moved to reconsider the vote by which the resolution was adopted requiring the Sergeant-at-Arms to furnish room for the Committees on Ways and Means and Judiciary;

Which was lost.

Mr. Johnston moved that the Secretary of State make a statement to the House in reference to building contract.

On motion of Mr. Wood,

The whole matter was referred to the Committee on Claims.

By permission, Mr. Glick presented the claim of John Ingalls, for printing.

Referred to the Committee on Claims.

The resolution offered on the previous day in reference to abolishing grand juries, was taken up and adopted.

On motion of Mr. Weed,

Mr. Thoman and Mr. Hollimberg were added to the Committee on Immigration.

Mr. Rogers offered the following resolution, which was adopted:

*Resolved*, That in addition to the School Reports now ordered to be printed, ~~there be~~ printed the number of twenty-five hundred (2,500), for distribution by the State Superintendent of Public Instruction, to the directors of school districts and others.

The Speaker appointed J. J. Boyd, Assistant Journal Clerk, who came forward and took the oath prescribed by law.

On motion, House adjourned.

#### MORNING SESSION.

MONDAY, JANUARY 18, 1864, 10 o'clock, A. M.

Speaker in the chair.

Roll called.

Absentees—Messrs. Rogers, 60th; Williams, 9th; Draper and Batsell.

Prayer by the Rev. P. McViekar.

Journals of yesterday read, corrected and approved.

On motion of Mr. Saqui,

Mr. Glick was excused until Friday.

Mr. Wood presented the petition of Jacob Hastoll and others, of Shawnee county, Kansas, asking for a certain State road.

Referred to the Committee on Roads and Highways.

Mr. Eskridge presented a memorial to extend the Neosho Valley railroad to connect with the Pacific road at or near Fort Riley, and for a grant of lands to aid in the construction of a railroad and telegraph from the east line of the State of Kansas, via Paola and Emporia, to intersect the Atchison, Topeka and Santa Fe railroad, where this last named road may cross the Cottonwood.

Referred to the Committee on Railroads.

Mr. Enkrige presented a petition of the board of County Commissioners and others, of Lyon county, Kansas, asking the passage of a law to abolish grand juries.

Referred to the Committee on Judiciary.

Mr. Ayers, from Committee on Roads and Highways, made the following report:

MR. SPEAKER—Your Committee on Roads and Highways, to whom was referred House bill No. 1, entitled "An act to establish certain State roads," have had the same under consideration, and instruct me to report back the same to the House, and recommend that it pass and be printed.

Also, your Committee to whom was referred House bill No. 16, entitled "An act to locate certain State roads," have had the same under consideration, and instruct me to report back the same to the House, and recommend that it pass and be printed.

S. AYERS,

*Chairman.*

MR. SPEAKER—Your Committee on Roads and Highways, to whom was referred House bill No. 8, entitled "An act to establish certain State roads," have had the same under consideration, and instruct me to report the same back to the House, and recommend that it pass.

S. AYERS,

*Chairman.*

MR. SPEAKER—Your Committee on Roads and Highways, to whom was referred House bill No. 17, entitled "An act to establish certain State roads," instructed me to report the same to the House, and recommend its passage, and that it will be printed.

S. AYERS,

*Chairman.*

MR. SPEAKER—Your Committee on Roads and Highways, to whom was referred House bill No. 5, entitled "An act to amend an act defining the mode of laying out and establishing roads," have had the same under consideration, and instruct me to report back to the House said bill as unconstitutional, from the fact that the sections sought to be amended are not embodied in the bill.

S. AYERS,

*Chairman.*

MR. SPEAKER—Your Committee on Roads and Highways, to whom was referred bill No. 7, entitled "An act to survey and establish the old Santa Fe road," have had the same under consideration, and instruct me to report the same back to the House and recommend that it pass, and also that it be printed. S. AYERS,

*Chairman.*

MR. SPEAKER—Your Committee on Roads and Highways, to whom was referred House bill No. 11, entitled "An act to amend an act defining the mode of laying out and establishing roads, approved February 27, 1860," have had the same under consideration, and instruct me to report back to the House the same, and recommend that it pass and be printed. S. AYERS,

*Chairman.*

MR. SPEAKER—Your Committee on Roads and Highways, have had under consideration House bill No. 33, entitled "An act to locate a certain State road," and instruct me to report the same back to the House and recommend that it do not pass, for in House bill No. 18 the same road is located. S. AYERS,

*Chairman.*

Mr. Reynolds, Chairman of Committee on Counties, made the following report:

MR. SPEAKER—The Committee on Counties, to whom was referred bill No. 24, entitled "An act to change the time at which shall commence and close the term of office of the county treasurers," have had the same under consideration, and recommend its amendment by inserting the following section, No. 3, to wit:

So much of all acts and parts of acts as conflict with this act, are hereby repealed; and that section No. 3 be numbered section 4, and the bill pass as amended. C. REYNOLDS,

*Chairman.*

Mr. Saunders, Chairman of Committee on Judiciary, made the following report:

MR. SPEAKER—The Committee on Judiciary have had under consideration House bill No. 1, "An act relating to records and proceedings in Douglas county," and instruct me to report it back to the House, and recommend that it pass and be printed.

House bill No. 3, "An act to authorize certain State officers to

administer oaths," and instructed me to report it back to the House, and recommend that it be amended by inserting after the word "Legislature," in the enacting clause, the words "of the State;" that there be added to the first section the words "in all cases pertaining to the discharge of their official duties without fees." And that the second section be stricken out, and when so amended that it be passed.

House bill No. 4, "An act to amend an act regulating weights and measures, approved February 12, 1858," and instruct me to report it back to the House and recommend its passage.

House bill No. 6, "An act to repeal an act specifying the duties of county and township officers," and instruct me to report it back to the House and recommend its passage.

House bill 27, "An act relating to the acknowledgment of bills of sale and mortgages," and instruct me to report it back to the House and recommend its rejection.

House bill No. 28, "An act relating to proceedings before justices of the peace," and instructed me to report it back to the House and recommend its rejection.

And joint resolution No. 2, relating to President Lincoln and his administration, and instruct me to report it back to the House with the recommendation that it be referred to the Committee on Federal Relations.

W. R. SAUNDERS,

*Chairman.*

The following communication was received from the Senate:

MR. SPEAKER—I am directed by the Senate to inform the House of Representatives that the Senate has ordered the printing of one hundred copies of an act of Congress granting lands to the State of Kansas, to aid in the construction of railroads and telegraphs, passed at the last session, for the use of the Senate.

JOHN T. MORTON,

*Secretary.*

Mr. Liscock presented concurrent resolution No. 3; having reference to the continuing of the Hannibal and St. Joseph railroad west.

Laid over under the rules.

Mr. Brumbaugh presented concurrent resolution No. 4, asking

that the Postmaster General be requested to require the party carrying the overland mail to California, to supply the post offices on the route within the State of Kansas.

Laid over under the rules.

Mr. Drenning offered the following resolution, which was laid over under the rules:

*Resolved*, That the Speaker appoint three members to act with two from the Senate, to be a joint committee for auditing the accounts of the Quartermaster General, for money expended in defending the border, and for other purposes.

The following resolution, offered on a previous day, in reference to Committee on County Organizations, was adopted:

*Resolved*, That the Committee on County Organizations be instructed to examine the various laws, regulating the meetings of county boards of commissioners so as to lessen their number, and for the transaction of all the business of the board at a regular meeting. Also to change the law that county boards may not be compelled to sit over one day unless there be business before the board not acted upon.

The following resolution, offered on a previous day, was taken up and adopted:

*Resolved*, That the Committee on Corporations be instructed to report an amendment to the act incorporating the Leavenworth, Pawnee and Western railroad charter so as to compel the Union Pacific railroad, Eastern Division, now acting under said charter, to make Lawrence, Topeka, Manhattan and Junction City, points in said road.

The following message was received from the Senate:

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has appointed a committee of three, consisting of Messrs. McGrew, Foster and Lowe, to act with the committee appointed by the House of Representatives, to prepare joint rules for the government of the two Houses.

JOHN T. MORTON,

*Secretary,*

The following resolution, offered on a previous day, was taken up,

and, upon motion of Mr. Eskridge, was referred to a special committee of three, composed of Messrs. Eskridge, Reynolds and Rogers:

WHEREAS, The distinguished service rendered the cause of the Union from the commencement of the Southern rebellion to the present time by Col. W. F. Cloud, of Kansas, entitles him to the thanks and gratitude of the country, and especially of the people of Kansas; and,

WHEREAS, His loyalty, patriotism and ability as a commander is and ever has been unquestioned; therefore,

*Resolved*, That the President of the United States is hereby requested to promote Col. W. F. Cloud to the position of a Brigadier General.

*Resolved*, That the Secretary of State be furnished by the Clerk of this House with a copy of these resolutions, and required to forward the same to the President, and to Col. Cloud.

The following resolution, offered on previous day, was taken up and referred to Committee on Claims:

*Resolved*, That a special committee of five be appointed to investigate the claims of all the militia of Kansas who have done actual service in the field, and prepare a bill for auditing the same at an early day as possible.

The following resolution, offered on previous day, was taken up and indefinitely postponed:

*Resolved*, That no bills shall be introduced into this House after the 25th day of this session, except the general appropriation bill and bills relating to revenue.

Mr. Taylor introduced House bill No. 44, entitled "An act to establish State read."

Read the first time.

Mr. Brumbaugh introduced House bill No. 45, entitled "An act providing for the election of county attorneys, and prescribing their duties."

Read the first time.

Mr. Johnson introduced House bill No. 46, entitled "An act to locate certain roads."

Read the first time.

Mr. Camp introduced House bill No. 47, entitled "An act to lease school lands."

Read the first time.

Mr. Camp introduced House bill No. 48, entitled "An act to regulate school funds of the several counties."

Read the first time.

Mr. Eskridge introduced House bill No. 49, entitled "An act to amend an act entitled 'An act to incorporate the Southern Kansas Pacific railroad company.'"

Read the first time.

Mr. Smith presented House bill No. 50, entitled "An act to repeal section 32 of an act entitled 'An act defining the mode of laying out and establishing roads,' approved February 27, 1860."

Read the first time.

Mr. Rogers introduced House bill No. 51, entitled "An act to amend an act supplementary to an act to provide for the assessment and collection of taxes."

Read the first time.

Mr. Rogers introduced House bill No. 52, entitled "An act for keeping open public highways."

Read the first time.

Mr. Rogers introduced House bill No. 53, entitled "An act to locate a certain State road."

Read the first time.

Mr. Taylor introduced House bill No. 54, entitled "An act to detach the counties of Dickinson, Saline, and Ottawa from the county of Davis. To attach the counties of Dickinson and Ottawa to the county of Saline. To establish a district court in Saline county, and provide for transcribing the records of the district court of Davis county pertaining to the counties of Dickinson, Saline, and Ottawa."

Read the first time.

Mr. Rogers introduced House bill No. 55, entitled "An act to authorize the issue of bonds to build school houses."

Read the first time.

Mr. Williams introduced House bill No. 56, entitled "An act to establish certain State roads."



Read the first time.

Mr. Williams introduced House bill No. 57, entitled "An act to establish State roads."

Read the first time.

Mr. Williams introduced House bill No. 58, entitled "An act to establish State roads."

Read the first time.

Mr. Jones introduced House bill No. 59, entitled "An act to amend an act entitled 'An act prescribing the duties of Reporter of the Supreme Court.'"

Read the first time.

Mr. Lacock introduced House bill No. 60, entitled "An act for the permanent location of the State capital."

Read the first time.

Mr. Wood introduced House bill No. 61, entitled "An act to change certain county lines."

Read the first time.

Mr. Wood introduced House bill No. 62, entitled "An act supplementary to an act entitled 'An act concerning divorce and alimony,' approved February 17, 1860."

And also an act supplementary to the said act of February 17, 1860, and approved June 4, 1861.

Read the first time.

Mr. Wood introduced House bill No. 63, entitled "An act changing the name of Davis county to that of Lincoln."

Read the first time.

On motion, the House adjourned.

AFTERNOON SESSION.

2 O'CLOCK, P. M.

House called to order.

Speaker in the chair.

Quorum present.

Mr. Lacock, by consent, introduced House bill No. 64, entitled "An act requiring, incorporate cities to levy tax in certain cases."

Read the first time.

House joint resolution to amend section 1 of article 5 of the Constitution, abolishing the distinction of color, was

Read the second time, and

Referred to the Committee of the Whole.

House bill No. 36, "An act to accept a grant of lands made to the State of Kansas by the Congress of the United States, to aid in the construction of certain railroads and telegraphs in said State, and apply the same to the construction of such roads and telegraphs," was

Read the second time and

Referred to the Committee on Railroads.

House bill No. 37, "An act to regulate the granting of pardons," was

Read the second time and

Referred to the Committee on Judiciary.

House bill No. 38, "An act to establish a State road from Gardner to Ohio City," was

Read the second time, and

Referred to the Committee on Roads and Highways.

House bill No. 39, "An act to locate a State road from Lawrence to Fort Scott, by way of Black Jack, Osawatomie and Mound City," was

Read the second time, and

Referred to the Committee on Roads and Highways.

House bill No. 40, "An act to repeal an act entitled 'An act to provide for the protection of game,'" was

Read the second time, and

Referred to the Committee on Judiciary.

House bill No. 41, "An act to legalize a certain deed," was

Read the second time, and

Referred to the Committee on Judiciary.

House bill No. 42, "An act making appropriation for the current Legislative expenses for the year 1864," was

Read the second time, and

Referred to the Committee on Ways and Means.

House bill No. 43, "An act limiting the power of county commissioners," was

Read the second time, and

Referred to the Committee on Counties.

On motion of Mr. Lacock,

The House resolved itself into Committee of the Whole for the consideration of House joint resolution No. 3, entitled "Joint resolution to amend section 1 of article 5 of the Constitution."

Mr. Lacock in the chair.

After some time spent therein, the Committee arose and reported back to the House, House joint resolution No. 3, and recommended that the same be referred to Committee on Judiciary.

The report of the Committee of the Whole was agreed to.

On motion of Mr. Wood,

Joint resolution No. 2 was called up and referred to Committee on Federal Relations.

Mr. Wood offered substitute for House joint resolution No. 2, relating to President Lincoln;

Which was referred to Committee on Federal Relations.

Mr. Smith, Chairman of the Committee on Education, made the following report:

The Committee on Education would respectfully report back bill No. 31, entitled "An act for the regulation and support of common schools," with the recommendation that it do not pass.

JAMES N. SMITH,

*Chairman.*

Mr. Smith, Chairman of the Committee on Education, made the following report:

The Committee on Education would respectfully report that they have had under consideration bill No. 21, entitled "An act appropriating township and road money to school purposes," and report the same back with the recommendation that it do not pass.

JAMES N. SMITH,

*Chairman.*

Mr. Smith, from the Committee on Education, made the following report, which was adopted :

MR. SPEAKER—The Committee on Education, to whom was referred the petition of J. B. Abbott and others, relating to a reform in spelling, instruct me to report that the prayer of the petitioners, so far as it relates to hearing Mr. James Adair, by the House of Representatives, be granted, and that he be allowed the use of this hall Tuesday evening next, for the purpose of presenting the claims of the phonetic reform.

JAMES N. SMITH,

*Chairman.*

Mr. Grover, Chairman of the Committee on Elections, made the following report:

MR. SPEAKER—The Committee on Elections, to whom was referred House joint resolution No. 1, to change sections one and three of article five of the Constitution, to allow soldiers to vote, have had the same under consideration, and they instruct me to report the same back to the House and recommend its passage, and further recommend that it be printed.

O. J. GROVER,

*Chairman.*

The following communication was received from the Senate, and concurred in:

MR. SPEAKER—I am directed by the Senate to inform the House of Representatives that the Senate has adopted Senate concurrent resolution No. 3, memorializing Congress to provide by law for auditing and paying losses sustained by the citizens of Kansas, incurred by the raid and depredations of guerrillas and rebels, committed in the State during the present rebellion, which the concurrence of the House is desired therein.

JOHN T. MORTON,

*Secretary.*

On motion, the House adjourned.

## MORNING SESSION.

TUESDAY, JANUARY 16, 1864, 10 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Rev. Mr. Burgess.

Journal of yesterday read and approved.

Mr. Bottom presented the claim of McHenry & Downs for articles furnished the State militia, called out to protect the State from invasion.

Referred to Committee on Claims.

Mr. Ellis presented claim of J. M. Ellis and others, for service rendered the State militia during the years 1861 and 1862.

Referred to the Committee on Claims.

Mr. Orem presented petition of R. P. Shulsky and others, relating to hog law.

Referred to Committee on Agriculture.

Mr. Barnes, from the Committee on Agriculture, made the following report:

Mr. SPEAKER—Your Committee on Agriculture and Manufacture, to whom was referred House bill No. 13, entitled "An act to regulate the running at large of stock," report that they have had the said bill under consideration, and recommend its rejection.

ASA BARNES, 1864

Chairman.

Mr. Barnes, from the Committee on Agriculture, made the following report, which was referred to a special committee of three, Messrs. Leasing, Ayers and Cummings:

Mr. SPEAKER—The Committee to whom was referred House bill No. 14, entitled "An act for establishing a geological survey," beg leave most respectfully to report that they have carefully considered the provisions of the bill, and find that it provides for the appointment, by the Governor, of a State Geologist, with authority to employ assistants, and to purchase apparatus and chemicals at pleasure, to the amount of \$3,500 for the purpose,

1st. Of making a classification of the rocks and soils of the different sections of the State.

2nd. To visit and analyze the salt springs known to exist, and to discover others.

3d. To analyze the soils of the different counties, for the purpose of showing their adaptation to the growth of different grains and grasses.

4th. To investigate the coal formation and their mineral deposit.

1st. As to the classification of the different rocks and soils found in Kansas, however interesting such classification be to the very few men in Kansas whose speculative minds and abstraction from practical pursuits would afford leisure for such a study, we do not consider it of such immediate and pressing importance in a practical point of view, as to justify this Legislature in imposing a very considerable burden upon the tax-payers of the State. The simple arrangement and classification of rocks and soils is a work, which, in the judgment of your Committee, can well be left to be performed by the amateur students and professors of our colleges and other institutions of learning, by whom it can be performed with pleasure and profit, without expense to the State—in the gratification of a laudable curiosity, and of the scholar's love of abstract sciences.

2d. We are happy to learn that the business of manufacturing salt has already been commenced, and is being prosecuted with success, and we are of the opinion that the bounty offered to salt manufacturers, by the act of the last session, will afford all needful stimulus in that behalf, and that the analysis provided for by the bill before us, can be secured by private parties whenever necessary, at trifling expense.

3d. As to the analysis of soils provided for in the bill, we deem it inadvisable for the State to incur expenses in that behalf at the present time, for the reason that the best and only sure way, in our judgment, of ascertaining the adaptation of our soils to the growth of the different grains and grasses, is by actual trial and experiment—which is being done yearly by our own farmers—not only without expense to the State, but to the great and manifest increase of its wealth.

We regard experience as the great teacher and the only safe

guide in agriculture, and the best apparatus for testing the adaptation of the soils of the several counties, are such unpretending instruments as the plow, the corn planter, the seed sower, the grain drill and the horse cultivator, which every farmer will use for himself in testing the capacities of his soil, provided he can save money enough after satisfying the claims of the tax collector, for the purchase of such tried and approved apparatus.

4th. With regard to explorations for coal and other mineral deposits, while we are ready to concede the prospective importance of that object, we do not regard it as a matter of such pressing urgency as to justify the proposed expenditure at present, for even should the search result in finding coal in large quantities, we apprehend that the present extreme scarcity and high price of labor would preclude the working of coal mines to advantage. And we think this idea derives considerable force from the fact that, in our neighboring State of Illinois, where coal is known to exist to an almost unlimited extent, it remains undisturbed in the bowels of the earth, from the scarcity of labor and capital.

We may add, that the enormous prices now charged for firewood in our principal towns and cities, in the immediate vicinity of large forests, demonstrate most clearly that no coal discoveries could be rendered available at the present crisis, while labor remains scarce and high, as at present.

In conclusion, we may be permitted to remark that, though we are disciples of progress, and are willing and eager to learn, we deem it advisable, for the permanent growth and future prosperity of our State, that we should "hasten slowly," lest, peradventure, we should make "more haste than speed," and that, in view of the limited population and tax-payers' ability of the State, instead of running the car of progress, "high pressure" system, we should decidedly incline to favor the narrow gauge, *single track*, low pressure style, with Prudence ever on the lookout—Economy, master and conductor of the train—Caution standing ready to "put down the brake," and all hands on the watch to prevent *dead heads* from stealing a ride at the expense of the honest stockholders.

For these reasons, we return the bill to the House, with the recommendation that the same be indefinitely postponed.

ASA BARNES, *Chairman.*

Mr. Barnes, Chairman of Committee on Agriculture, made the following report:

MR. SPEAKER—The Committee on Agriculture and Manufacture, to whom was referred the petition of George Guittard and twenty others, asking for a law to make persons herd their cattle, report that they have had the subject under consideration, and believe that such a thing would be impracticable, and recommend that the House take no action in the case.

ASA BARNES,

*Chairman.*

Mr. Ayers, Chairman of the Committee on Road and Highways, made the following report:

MR. SPEAKER—The Committee on Roads and Highways, to whom was referred House bill No. 38, entitled "An act to locate a State road from Gardner to Ohio City, have had the same under consideration, and instruct me to report the same back to the House, and recommend that it pass; also that it be printed.

S. AYERS,

*Chairman.*

MR. SPEAKER—Your Committee on Roads and Highways, to whom was referred House bill No. 39, entitled "An act to locate a State road from Lawrence to Fort Scott, by way of Black Jack, Osawatomie and Mound City, have had the same under consideration, and instruct me to report the same back to the House, and recommend that it pass; also, that it be printed.

S. AYERS,

*Chairman.*

Mr. Barnes, Chairman of the Committee on Agriculture and Manufacture, made the following report:

MR. SPEAKER—Your [committee], to whom was referred House bill No. 9, entitled "An act for recording marks and brands," report that they have had the matter under consideration, and recommend that it pass, and that it be printed.

ASA BARNES,

*Chairman.*

Mr. Johnson, Chairman of the Committee of Ways and Means, made the following report:

MR. SPEAKER—Your committee, to whom was referred House



bill No. 48, entitled "An act making appropriation for current legislative expenses for the year 1864," and have had the same under consideration, and beg leave to report the same back to the House, and recommend that, at the close of section —, there be added the words "for the Legislative printing, one thousand dollars;" and, when so amended, would respectfully recommend its passage.

J. P. JOHNSON,

*Chairman.*

MR. SPEAKER—Your committee, to whom was referred House bill No. 25, "An act relating to the levying and collection of road taxes," have had the same under consideration, and beg leave to report the same back to the House, and recommend its rejection.

J. P. JOHNSON,

*Chairman.*

Mr. Moore, Chairman of the Committee on Corporations, made the following report:

MR. SPEAKER—The committee on Corporations other than banks, to whom was referred House bill 15, entitled "An act to establish a ferry across the Kansas river at Eudora," have had the same under consideration, and, finding it conflicts with section 17 of article 11, of the constitution of this State, direct me to report it back to the House, and recommend that it do not pass.

GEO. A. MOORE,

*Chairman.*

MR. SPEAKER—Your committee have also had under consideration House bill No. 23, entitled "An act to vacate the streets, alleys, parks and public grounds of the town of Laporte, in Doniphan county," and find it unconstitutional, and instruct me to report it back to the House, and recommend that it do not pass.

G. A. MOORE,

*Chairman.*

MR. SPEAKER—Your committee have also had under consideration House bill No. 30, entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the city of Lawrence,' approved Feb. 27, 1860," and direct me to report it back to the House, and recommend that the title of

the bill be amended, so that it shall read "An act supplemental to an act entitled 'An act to amend and consolidate the several acts relating to the city of Lawrence,'" and that, when so amended, it do pass.

GEO. A. MOORE,  
*Chairman.*

MR. SPEAKER—Your committee has also had under consideration Bill No. 32, entitled "An act in relation to the city of Fort Scott," and directs me to report it back to the House without recommendation.

GEO. A. MOORE,  
*Chairman.*

Mr. Smith, by consent, introduced the following resolution, which was adopted:

*Resolved*, That James Adair be allowed the use of this hall for fifteen minutes immediately after the adjournment this afternoon, to make some statements on the subject of the lecture this evening, and that the members be invited to remain.

J. N. SMITH,  
*Chairman Com. on Education.*

The following communication was received from the Senate:

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has adopted the following resolution:

*Resolved*, That a committee of two be appointed on the part of the Senate to act with three on the part of the House, to audit the account of the Quartermaster General of the State, and that Messrs. Fishback and Strickler were appointed said committee.

J. T. MORTON,  
*Secretary.*

The Speaker appointed on the part of the House, Messrs. Drenning, Sternberg and Hidden.

Mr. Ellis presented claim of Datton & Co., for conveying prisoners, &c.

Referred to Committee on Claims.

The following resolution, offered on previous day, taken up and indefinitely postponed:

*Resolved*, That the Speaker appoint three members to act with two from the Senate, to be a joint committee for auditing the accounts

of the Quartermaster General for money expended in defending the border, and for other purposes.

Mr. Emery, by consent, offered the following resolution, which was adopted:

*Resolved*, That the several bills which are offered, relating to lay-out and [locating] State roads, be referred to the Committee on Roads, with instructions to report a general bill, including therein such as they may see fit.

The following concurrent resolution was taken up and adopted:

*Resolved, by the House of Representatives, (the Senate concurring therein,)* That the post office at Washington be requested to require the parties having the contract for carrying the mail from the Missouri river to the State of California, on Route No. 14,258, to supply the post offices on said route, within the State of Kansas, with a daily mail.

*Resolved*, That the Secretary of State be requested to forward a copy of these resolutions to the Postmaster General and to each of our representatives at Washington.

Mr. Cummings introduced House bill No. 65, entitled "An act to provide for the erection of State capitol buildings, and making an appropriation therefor."

Read the first time.

Mr. Cummings introduced House bill No. 66, entitled "An act to authorize the board of Commissioners of Shawnee county to issue bonds for the purpose of building a bridge across the Kansas river."

Read the first time.

Mr. McBride introduced House bill No. 67, entitled "An act for the adoption of children."

Read the first time.

Mr. Bradley introduced House bill No. 68, entitled "An act to postpone the time of holding District Court in Nemaha county."

Read the first time.

Mr. Alford presented House bill No. 69, entitled "An act to amend an act entitled 'An act to provide for the regulating of the running at large of swine,' approved Jan. 28, 1860,"

Read the first time.

Mr. Brumbaugh introduced House bill No. 70, entitled "An act to amend an act to incorporate the city of Marysville."

Read the first time.

Mr. Smith introduced House bill No. 71, entitled "An act defining the time when County Treasurers shall pay State Taxes to State Treasurer."

Read the first time.

Mr. Ayers introduced House bill No. 72, entitled "An act to locate a State road from Ohio City, crossing the Marais-des-Cygnés, to Mound City."

Read the first time.

Mr. Fullington introduced House bill No. 73, entitled "An act detaching the county of Clay from the county of Davis, and attaching the same to the county of Riley."

Read the first time.

Mr. Cavender introduced House bill No. 74, entitled "An act requiring County Commissioners to give bonds."

Read the first time.

Mr. Williams introduced House bill No. 75, entitled "An act to locate a certain State road."

Read the first time.

Mr. Pile introduced House bill No. 76, entitled "An act to amend an act entitled 'An [act] to regulate enclosures.'"

Read the first time.

Mr. Lacoek introduced House bill No. 77, entitled "An act relating to crimes and procedure."

Read the first time.

Mr. Lacoek introduced House bill No. 78, entitled "An act to amend section 66, code of civil procedure."

Read the first time.

Mr. Lacoek introduced House bill No. 80, entitled "An act to restrain dram shops and taverns, and to regulate the sale of intoxicating liquor."

Read the first time.

Mr. Lacoek introduced House bill No. 79, entitled "An act establishing uniformity of school books."

Read the first time.

Mr. Moore introduced House bill No. 81, entitled "An act to amend an act entitled 'An act to incorporate cities of the State of Kansas,' approved March 4th, 1862."

Read the first time.

Mr. Bottom introduced House bill No. 82, entitled "An act to authorize [the] State Treasurer to credit Wyandotte county with tax."

Read the first time.

Mr. Wood introduced House bill No. 83, entitled "An act to repeal section 15 of an act entitled 'An act to restrain dram shops and taverns, and regulate the sale of intoxicating liquors.'"

Read the first time.

House bill No. 44, "An act to establish a State road," was read the second time.

Referred to Committee on Roads and Bridges.

Also, House bill No. 45, "An act providing for the elections of County Attorneys, and defining their duties," was read the second time, and

Referred to the Committee on Counties.

Also, House bill No. 46, "An act to locate certain roads," was read the second time, and

Referred to the Committee on Roads and Highways.

Also, House bill No. 47, "An act to provide for the leasing of school lands," was read the second time, and

Referred to the Committee on Public Lands.

Also, House bill No. 48, "An act to regulate school funds of the several counties," was read the second time, and

Referred to the Committee on Education.

Also, House bill No. 49, "An act to amend an act entitled 'An act to incorporate the Southern Kansas Pacific Railroad Company,'" was read the second time, and

Referred to the Committee on Railroads.

Also, House bill No. 50, "An act to repeal section 32 of an act entitled 'An act to define the mode of laying out and establishing roads,' approved Feb. 27, 1860," was read the second time, and

Referred to the Committee on Roads and Highways.

Also, House bill No. 51, "An act to amend an act supplemental

to an act to provide for the assessment and collection of taxes," was read the second time, and

Referred to the Committee on Ways and Means.

Also, House bill No. 52, "An act for keeping open the public highway," was read the second time, and

Referred to the Committee on Roads and Highways.

Also, House bill No. 53, "An act to locate a certain State road," was read the second time, and

Referred to the Committee on Roads and Highways.

Also, House bill No. 54, "An act to detach the counties of Dickinson, Saline and Ottawa from the county of Davis, to attach the counties of Dickinson and Ottawa to the county of Saline, to establish a District Court in Saline county, and providing for the transcribing the records of the District Court of Davis county pertaining to the counties of Dickinson, Saline and Ottawa," was read the second time, and

Referred to the Committee on Judiciary.

Also, House bill No. 55, "An act to authorize the issuing of bonds to build school houses," was read the second time, and

Referred to Committee on Judiciary.

Also, House bill No. 56, "An act to establish certain State roads," was read the second time, and

Referred to the Committee on Roads and Highways.

Also, House bill No. 57, "An act to establish certain State roads," was read the second time, and

Referred to the Committee on Roads and Highways.

Also, House bill No. 58, "An act to establish State roads," was read the second time, and

Referred to the Committee on Roads and Highways.

Also, House bill No. 59, "An act to amend an act prescribing the duties of Reporter of the Supreme Court," was read the second time, and

Referred to the Committee on Judiciary.

Also, House bill No. 60, "An act to provide for the permanent location of the State capitol," was read the second time, and

Referred to the Committee on Public Buildings.

Also, House bill No. 61, "An act to change certain county lines," was read the second time, and

Referred to the Committee on County Seats and County Lines.

Also, House bill No. 62, "An act supplemental to an act concerning divorce and alimony, approved Feb. 19, 1860, and also to an act supplementary to said act of February 17, 1860, and approved June 4th, 1860," was read the second time, and

Referred to the Committee on Judiciary.

Also, House bill No. 63, "An act to change the name of Davis county to that of Lincoln," was read the second time, and

Referred to the Committee on Counties.

Also, House bill No. 64, "An act requiring incorporated cities to levy taxes in certain cases," was read the second time, and

Referred to the Committee on Ways and Means.

On motion of Mr. Rogers,

House joint resolution No. 1 was made a special order for two weeks from to-day, at 11 o'clock.

The House resolved itself into Committee of the Whole, on bills 5, 7, 8, 11 and 16, Mr. Wood in the chair, and, after some time spent therein, the committee arose, and, through their chairman, reported back bills Nos. 7, 8, 11, and recommended that they be referred to the Committee on Roads and Highways, and reported progress on bills Nos. 5, 16, and [asked] leave to sit again.

S. N. WOOD,

*Chairman.*

On motion, the House adjourned.

#### AFTERNOON SESSION.

Two o'clock, P. M.

House called to order.

Speaker in the chair.

Quorum present.

By consent, Mr. Lacock introduced the following resolution, which was adopted:

*Resolved*, That the Sergeant-at-Arms be authorized to provide a suitable place to deposit the papers of the Journal Clerk.

On motion of Mr. Wood,

The House resolved itself into a Committee of the Whole on bills No. 5 and 16, and after some time spent therein, the Committee arose, and through their Chairman, reported back bills No. 5 and 16, with the recommendation that they be referred to the Committee on Roads and Highways.

Report agreed to.

By consent of the House, Mr. Orem withdrew House bill No. 28.

The House resolved itself into a Committee of the Whole, Mr. Eskridge in the chair, on bills No. 21, 24, 27, 31 and 33, and after some time spent therein, the Committee arose and through their Chairman, reported back bills No. 21 and 31, and recommend the enacting clause stricken out; also, bill 24, and recommend its passage as amended; also bill No. 27, and ask leave to sit again; and also bill No. 33 be referred to Committee on Roads and Highways; bill No. 23 be referred to Committee on Judiciary.

Report agreed to except bill 21, which was ordered to be printed and placed on general orders.

Bills reported back favorably were ordered to be engrossed for a third reading.

House resolved itself into Committee — Mr. Rogers in the chair—on bills No. 13, 15, 27, 32, and 42. After some time spent therein, the Committee arose, and through their Chairman reported back bills No. 13, 15 and 27, and recommend the enacting clause to be stricken out; and also bill No. 32, and recommend its passage.

Report agreed to, except bill No. 42.

Bills reported favorably were ordered to be engrossed for a third reading.

Mr. Wood moved to amend section 1 of bill No. 42, by inserting "Provided, that no money be paid to any member of the Legislature for time when absent."

The ayes and noes being called for, the following was the result: Those voting aye were—



Messrs. Alford, Ayers, Barnes (8th district), Balding, Bottom, Buck, Campbell, Chestnut, Craig, Donaldson, Draper, Drenning, Eskridge, Evans, Fleming, Fox, Freeland, Frost, Grover, Hawks, Hidden, Hollinberg, Hutchins, Johnson (1st district), Johnston (70th district), Jones, Kenner, Lacock, Laing, Lingo, Moore, McCulloch, Orem, Pickering, Pile, Reynolds, Rogers (54th district), Saunders, Smith, Snook, Stevens, Stone, Taylor, Thoman, Throckmorton, Trower, Twombly, Walker, Williams (9th district), Williams (18th district), Wood—57.

Those voting no were—

Messrs. Batsell, Brumbaugh, Camp, Cavender, Cobb, Cummings, Ellis, Emery, Forman, Fullington, Houts, Irwin, Miller, McBride, Rogers (60th district), Saqui, Stratton—12.

So the amendment was adopted and bill ordered to be engrossed.

By consent of the House, Mr. Pile withdrew House bill No. 76.

On motion, House adjourned.

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### MORNING SESSION.

WEDNESDAY, JANUARY 20, 1864, 10 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Johnson, 1st., and Wakefield.

Prayer by the Chaplain, Rev. Mr. Preston.

Journal of yesterday read and approved.

The following message was received from the Governor, through his Private Secretary:

STATE OF KANSAS, EXECUTIVE DEPARTMENT,  
TOPEKA, January 20, 1864. }

*To the House of Representatives :*

I herewith submit the report of the Commissioners appointed to select lands granted by Congress for the Agricultural College.

THOS. CARNEY.

Mr. Emery presented petition of Bush and forty others, asking an amendment to the law in regard to organizing townships.

Referred to Committee on Judiciary.

Mr. Emery presented petition of Calvin Adams and 51 others, relating to laying out townships.

Referred to Committee on Judiciary.

Mr. Hutchins presented petition of James Griffiths and 49 others, to repeal the act changing the name of Grasshopper Falls.

Referred to a special committee, consisting of Messrs. Hutchins, G. W. Williams and Cummings.

Mr. Wood presented petition of Jacob Haskell and 25 others, for a certain State road.

Referred to the Committee on Roads and Highways.

Mr. Fullington presented petition of Maxwell Saunders and 36 others, to detach Clay county from Davis county, and attach it to Riley county.

Referred to Committee on County Seats and County Lines.

Mr. Saunders, Chairman of the Judiciary [Committee] made the following report:

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 54, "An act to detach the counties of Dickinson, Saline and Ottawa from the county of Davis, to attach the counties of Dickinson and Ottawa to the county of Saline; to establish a district court in Saline county, and providing for the transcribing of the records of the District Court of Davis county, pertaining to the counties of Dickinson, Saline and Ottawa," have instructed me to report the same back to the House and recommend that it be printed and passed.

W. R. SAUNDERS,

Chairman.

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 55, "An act to authorize the issuing of

bonds to build school houses," and instruct me to report the same back to the House, and recommend it be printed and its passage.

W. R. SAUNDERS,

*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 59, "An act to amend an act entitled 'An act prescribing the duties of the Reporter of the Supreme Court,'" and instruct me to report the same back to the House, and recommend that it be printed and passed.

W. R. SAUNDERS,

*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 41, "An act to legalize a certain deed," and instruct me to report the same back to the House, and recommend its passage without being printed.

W. R. SAUNDERS,

*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 40, "An act to repeal an act entitled 'An act to provide for the protection of game,'" and instruct me to report the same back to the House, and recommend its passage without being printed.

W. R. SAUNDERS,

*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 62, "An act supplementary to an act concerning divorce and alimony, approved February 17, 1860," and also to an act supplementary to said act of February 17, 1860, and approved June 4, 1861, and instruct me to report the same back to the House, and recommend its rejection.

W. R. SAUNDERS,

*Chairman.*

Mr. Orem, from the Committee on Retrenchment and Reform, made the following report:

MR. SPEAKER—Your Committee on Retrenchment and Reform, to whom was referred House bill No. 29, "An act to abolish township elections," have had the same under consideration, and instruct me to report the same back to the House, and recommend that it pass and it be printed.

THOMAS TROWER,

*Chairman.*

Mr. Smith, Chairman Committee on Education, made the following report:

MR. SPEAKER—The Committee on Education have had under consideration House bill No. 48, which was referred to them, and instruct me to report the same back to the House, recommending the following amendment:

“SECTION 3. That the County Treasurer of each county shall pay over to the treasurer of school districts in his county, all money received by him belonging to said districts from direct taxes, upon the order of District Clerk, countersigned by the director;”

And that section 3 be numbered section 4, and that the bill as amended pass and be printed.

Mr. Moore, Chairman of Committee on Corporations other than Banks, made the following report:

MR. SPEAKER—The Committee on Corporations other than Banks, to whom was referred bill No. 35, entitled “An act to change the name of the town and township of Sautrell Falls and Sautrell river, to repeal chapter 40 of the laws of 1863,” have had the same under consideration, and finding that all the ground included in said bill, with the exception of that portion referring to Sautrell river, is covered by a general law entitled “An act to authorize the change of names, approved February 11, 1863,” have instructed me to report the same back to the House, and recommend that it be amended by striking out the names of the township and town of Sautrell, and all that portion of the bill referring to the names, and the title of the bill be amended so as to read as follows, to wit: “An act to change the name of Sautrell river;” and your Committee further recommend that the bill, when so amended, do pass.

GEO. A. MOORE,

*Chairman.*

Mr. Reynolds, from Committee on Counties, made the following report:

MR. SPEAKER—Your Committee on Counties have had bill No. 63, entitled “An act to change the name of Davis county to that of Lincoln,” under consideration, and recommend that it do not pass.

C. REYNOLDS,

*Chairman.*

Mr. Rogers from Committee, on Public Institutions, made the following report:

MR. SPEAKER—Your Committee, to whom was referred House bill No. 12, would ask further time to report.

D. ROGERS,

*Chairman.*

MR. SPEAKER—Your committee, to whom was referred House bill No. 20, entitled "An act to enable Osawatomie township, in Miami county, to purchase land for the location of the State Insane Asylum," have had the same under consideration, and instruct me to report the same back to the House, and recommend that it pass.

D. ROGERS,

*Chairman.*

Mr. Cummings, from Committee on Public Buildings, made the following report:

MR. SPEAKER—Your Committee on Public Buildings, to whom was referred bill No. 60, "An act to provide for the permanent location of the State Capitol," have considered the provisions of the same, and instruct me to report the bill back, with the suggestion that, in the opinion of your committee, it is unconstitutional.

J. F. CUMMINGS,

*Chairman.*

MR. SPEAKER—The Committee on Engrossed Bills have examined bills Nos. 24, "An act to change the time at which shall commence and close the term of office of County Treasurer," and bill No. 32, "An act in relation to the city of Fort Scott," and bill No. 42, "An act making appropriation for the current Legislative expenses for the year A. D. 1864," and find the same correctly engrossed.

DAVID R. COBB,

*Chairman.*

House bill No. 60 ordered to be printed.

Mr. Lacock, from Committee on Claims, made the following report:

MR. SPEAKER—Your Committee on Claims beg leave to make the following report:

They have had under consideration the claim of Townsend Hopkins, for — dollars for services as Docket Clerk, Wyandotte convention, be not allowed—has been paid once.

Also, the claim of J. M. Funk for seventy-five dollars, as Assistant Sergeant-at-Arms, Wyandotte convention, be allowed.

Also, claim of W. D. Beeler for eight dollars, for hauling muskets, by order of the militia Quartermaster; recommended that it be allowed.

Also, the claim of J. S. C. Marshall for twenty-seven dollars, for swearing in 29 militia, be not allowed.

Also, the claim of E. B. Metz for 17.75 dollars, for hauling corn to Paola camp meeting, be referred to Gen. J. H. Lane.

Also, the petition of R. P. Shulsky and 49 others, in reference to hog law, be referred to the Committee on Public Lands.

IRA J. LACOCK,

*Chairman Com. on Claims.*

Mr. Reynolds, by consent, presented petition of Barricklow and others for the vacation of certain State roads.

Referred to Committee on Roads and Highways.

Mr. Emery, Chairman Committee on Public Lands, made the following report:

MR. SPEAKER—The Committee on Public Lands hereby report back bill No. 47, "An act to provide for the leasing of school lands," and recommend that the same be printed and passed.

J. S. EMERY,

*Chairman.*

Mr. Fox presented claim of J. F. Cummings, which was

Referred to the Committee on Claims.

The following communication was received from the Senate:

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate concur in the report of the joint committee appointed to prepare joint rules of the two Houses.

JOHN T. MORTON,

*Secretary.*

Mr. McBride offered House concurrent resolution No. 5, which was

Referred to a special committee, consisting of Messrs Wood, McBride and Rogers.

Mr. Smith offered the following resolution, which was adopted:

*Resolved,* That the Secretary of State be and is hereby directed

to procure, for the use of this House, as good a map of this State as he can procure in this State, at as early a day as practicable, and the Sergeant-at-Arms be directed to have the same hung up in some place in this hall where it will be convenient for reference by the members.

Mr. Emery offered the following resolution, which was adopted:

*Resolved*, That the Committee on Roads be instructed to report, at an early day, a bill on laying out and working on highways, embodying such amendments to the law in force as they may see fit.

Mr. Bottom offered the following resolution, which was adopted:

*Resolved*, That the use of this hall, on to-morrow evening, be granted to Hon. B. F. Mudge, of Quindaro, for a lecture on geology.

Mr. Snook offered the following resolution, which was adopted:

*Resolved*, That the Attorney General be requested to furnish the House with his written opinion as to whether the improvements on homestead exemptions are taxable under the constitution.

Mr. Forman offered the following resolution, which was laid over under the rules:

*Resolved*, That the select committee, to whom was referred the bill providing for a geological survey of the State, be required to present with their report an estimate of the probable cost of such survey, including all the expenses likely to be incurred in the prosecution of such work.

Mr. Forman offered the following resolution, which was adopted:

*Resolved*, That the Committee on Public Buildings be required to consider the expediency of procuring for the permanent use of the State, suitable rooms for the use of the House and Senate, and that they report by bill or otherwise.

Mr. Miller offered the following resolution, which was adopted:

*Resolved*, That the Committee on Judiciary be instructed to prepare and report a bill to this House, for the punishment of vagrants.

Mr. Wood offered the following resolution, which was adopted:

*Resolved*, That the Committee on Education be directed to inquire what legislation is necessary, if any, to sell for the benefit of schools "All estates of persons dying without heirs or will," as provided in section 3, article 6, of the Constitution, and that they be instructed to report by bill or otherwise.

Mr. Wood offered the following resolution, which was adopted:

*Resolved*, That the Committee on Education be instructed to report, without delay, a bill providing for an election in all regiments of Kansas volunteers now or that may be hereafter in the service of the United States or this State, for all county, township and State officers, and for President of the United States.

Mr. Taylor introduced House bill 84, entitled "An act to change the terms of the District Court in the third judicial district."

Read the first time.

Mr. Emery introduced House bill No. 85, entitled "An act giving certain powers to the board of County Commissioners of Douglas county."

Read the first time.

Mr. Taylor introduced bill No. 86, entitled "An act to establish the western boundary of the county of Davis."

Read the first time.

Mr. Reynolds introduced bill No. 87, entitled "An act to vacate certain streets and alleys, and to convey to school district a certain park."

Read the first time.

Mr. McBride introduced bill No. 88, entitled "An act relating to county officers."

Read the first time.

Mr. Stratton introduced bill No. 89, entitled "An act locating certain State roads."

Read the first time.

Mr. Jones introduced bill No. 90, entitled "An act supplementary to an act defining the duties and prescribing the qualifications of the Clerk of the District Court."

Read the first time.

Mr. Jones introduced bill No. 91, entitled "An act to provide for the building of bridges by mortgaging the internal improvement lands."

Read the first time.

Mr. Brumbaugh introduced bill No. 93, entitled "An act to protect the citizens of Linn county from depredations of stock."

Read the first time.



Mr. Rogers introduced bill No. 93, entitled "An act supplementary to an act to provide for the assessment and collection of taxes."

Read the first time.

Mr. Camp introduced bill No. 94, entitled "An act for the sale of school lands."

Read the first time.

Mr. Eskridge introduced bill No. 95, entitled "An act to authorize Lyon county to issue bonds to build a jail."

Read the first time.

Mr. Pile introduced bill No. 96, entitled "An act to amend an act entitled 'An act regulating enclosures.'"

Read the first time.

Mr. Pile introduced bill No. 97, entitled "An act exempting certain property from sale upon execution or other final process."

Read the first time.

Mr. Sternberg introduced bill No. 98, entitled "An act concerning mutilated, lost and destroyed bonds."

Read the first time.

Also, House bill No. 99, entitled "An act relating to the compensation of District Attorney."

Read the first time.

Also, House bill No. 100, entitled "An act amending an act respecting executors and administrators."

Read the first time.

Mr. Cummings introduced bill No. 101, entitled "An act to authorize the Auditor of State to issue duplicate Territorial warrants in certain cases."

Read the first time.

Mr. Evans introduced bill No. 102, entitled "An act to establish and locate an institution for the education of the deaf and dumb."

Mr. Orem introduced bill No. 103, entitled "An act to establish a certain State road."

Read the first time.

Also, bill No. 104, entitled "An act to restrain and regulate the sale of intoxicating liquors."

Read the first time.

Mr. Wood introduced bill No. 105, entitled "An act appropriating

certain money in Morris county."

Read the first time.

Mr. Stratton introduced bill No. 106, entitled "An act supplementary to an act to provide for the assessment and collection of taxes, approved March 3, 1863."

Read the first time.

Mr. Bottom presented petition of County Commissioners of Wyandotte county, praying the Legislature to pass a law authorizing the State Treasurer to credit Wyandotte county with certain taxes.

Referred to the Committee on Ways and Means.

House bill No. 65, "An act to provide for the erection of a State capitol building, and making appropriation therefor," was read the second time, and

Referred to the Committee on Public Buildings.

House bill No. 66, "An act to authorize the board of County Commissioners of Shawnee county to issue bonds for the purpose of building a bridge across the Kansas river," was read the second time, and

Referred to the Committee on Judiciary.

House bill No. 67, "An act for the adoption of children," was read the second time, and

Referred to the Committee on Judiciary.

House bill No. 68, an act entitled "An act to postpone the time of holding the District Court of Nemaha county," was read the second time, and

Referred to the Committee on Judiciary.

House bill No. 69, "An act to amend an act entitled 'An act to provide for the regulation of the running at large of swine,' approved Jan. 28, 1860," was read the second time, and

Referred to the Committee on Agriculture.

House bill No. 70, "An act to amend an act to incorporate the city of Marysville," was read the second time, and

Referred to the Committee on Corporations other than Banks.

House bill 71, "An act defining the time when County Treasurers shall pay the State taxes to the State Treasurer," was read the second time, and

Referred to the Committee on Ways and Means.

House bill No. 72, "An act to locate a State road from Ohio City, across the Marais-des-Cygnes river, to Mound City, was read the second time, and

Referred to the Committee on Ways and Means.

House bill No. 73, an act entitled "An act detaching the county of Clay from the county of Davis, and attaching the same to the county of Riley," was read the second time, and

Referred to the Committee on County Seats and County Lines.

House bill No. 74, "An act requiring County Commissioners to give bonds," was read the second time, and

Referred to the Committee on Judiciary.

House bill No. 75, "An act to locate a certain State road," was read the second time, and

Referred to the Committee on Roads and Highways.

House bill No. 77, "An act relating to criminal procedure," was read the second time, and

Referred to the Committee on Judiciary.

House bill No. 78, "An act to amend section 76, code civil procedure," was read the second time, and

Referred to the Committee on Judiciary.

House bill No. 79, "An act to establish uniformity of school books," was read the second time, and

Referred to the Committee on Education.

House bill No. 80, "An act to amend an act entitled 'An act to restrain dram shops and taverns, and regulate the sale of intoxicating liquors,'" was read the second time, and

Referred to the Committee on Judiciary.

House bill No. 81, "An act to amend an act entitled 'An act to incorporate cities of the State of Kansas,' approved March 4, 1862," was read the second time, and

Referred to Committee on Corporations other than Banks.

House bill No. 82, "An act to authorize the State Treasurer to credit Wyandotte county with tax," was read the second time, and

Referred to the Committee on Ways and Means.

House bill No. 83, "An act to repeal section 15 of an act entitled 'An act to restrain dram shops and taverns, and regulate the sale of intoxicating liquors,'" was read the second time, and

Referred to the Committee on Judiciary.

House bill No. 24, entitled "An act to change the time at which shall commence and close the term of office of County Treasurer," was read the third time.

The question being, Shall the bill now pass?

The ayes and nays being called, the vote resulted as follows:

Ayes, 47; nays, 24.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Batsell, Bradley, Brumbaugh, Camp, Campbell, Chestnut, Cavender, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Ellis, Evans, Fox, Foster, Fullington, Grover, Hawks, Hidden, Hollinberg, Houts, Johnson (1st), Johnston (70th), Jones, Kenner, Lingo, Miller, McBride, McCulloch, Orem, Pickering, Pile, Reynolds, Rogers (54th), Saqui, Smith, Snook, Sternberg, Stratton, Thoman, Williams (18th).

Gentlemen voting no were—

Messrs. Belding, Buck, Emery, Fleming, Freeland, Hutchins, Irwin, Lacock, Laing, Moore, Rogers (60th), Saunders, Stevens, Stone, Taylor, Throckmorton, Trower, Twombly, Walker, Williams (9th), Wood, Bottom, Eskridge, Hersey.

And so the bill passed, and

The title was agreed to.

House bill No. 31, "An act in relation to the city of Fort Scott," was read the third time.

The question being, Shall the bill now pass?

The ayes and noes were called, with the following result:

Ayes, 52; noes, 18.

Gentlemen voting aye were—

Messrs. Alford, Barnes (21st), Belding, Bottom, Bradley, Brumbaugh, Buck, Camp, Cavender, Chestnut, Cobb, Cummings, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Evans, Fleming, Fox, Freeland, Frost, Fullington, Hidden, Hollinberg, Hutchins, Irwin, Johnson (1st), Johnston (70th), Jones, Kenner, Lacock, Lingo, Miller, Moore, McBride, McCulloch, Orem, Pile, Reynolds, Rogers (54th), Rogers (60th), Saqui, Sternberg, Stevens, Stone, Stratton, Taylor, Thoman, Williams (9th), Wood.

Gentlemen voting nay were—

Messrs. Ayers, Batsell, Campbell, Craig, Grover, Hersey, Houts, Laing, Pickering, Saunders, Smith, Snook, Throckmorton, Trower, Twombly, Walker, Williams (18th).

So the bill passed, and

The title was agreed to.

House bill No. 42, "An act making appropriation for the current Legislative expenses for the year 1864," was read the third time.

The question being, Shall the bill now pass?

The ayes and noes being called, resulted as follows:

"Ayes, 86; noes, 5.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Ellis, Emery, Evans, Eskridge, Fleming, Fox, Freeland, Frost, Fullington, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Johnson (1st), Johnston (70th), Jones, Kenner, Laing, Miller, Moore, McBride, McCulloch, Orem, Pickering, Pile, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Snook, Sternberg, Stevens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Walker, Williams (9th), Williams (18th).

Gentlemen voting no were—

Messrs. Irwin, Lacock, Lingo, Smith, Wood.

And so the bill passed, and

The title was agreed to.

The House resolved itself into Committee of the Whole, for the consideration of bills Nos. 6, 17, 18 and 30, Mr. Saunders in the chair.

After some time spent therein, the committee arose, and, through its chairman, reported back to the House bills Nos. 17 and 18, and recommended that they be referred to the Committee on Roads and Highways;

Also, bill No. 30, and recommend that it pass as amended.

Also, bill 6, and recommend that it pass.

Report of the Committee of the Whole agreed to.

Bill reported favorable ordered to be engrossed for third reading.

On motion, the House adjourned.

## AFTERNOON SESSION.

2 o'clock, P. M.

House called to order.

Speaker in the chair.

Quorum present.

The House resolved itself into Committee of the Whole for the consideration of bills No. 9 and 21, Mr. Saunders in the chair. After some time spent therein, the Committee arose and through their Chairman reported back bill No. 21, and recommended its passage as amended.

Also, House bill No. 9, and recommended its passage as amended.

The report of the Committee of the Whole was agreed to.

Bills reported favorably were ordered to be engrossed.

Mr. Cummings offered the following resolution, which was adopted :

*Resolved*, That the Sergeant-at-Arms be authorized to procure a dozen chairs for lady visitors.

Mr. Cummings offered the following resolution, which was laid over under the rule :

*Resolved*, That the Sergeant-at-Arms be authorized to purchase a copy of Webster's Unabridged, for the use of the members of this House.

Mr. Cobb offered the following resolution, which was laid over under the rules :

*Resolved*, That the Speaker be authorized to appoint an Assistant Engrossing Clerk, when he shall think it necessary.

On motion, the House adjourned.

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MORNING SESSION.

THURSDAY, JANUARY 21, 1864, 10. o'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Chestnut, Kenner, Stratton and Wakefield.

Prayer by the Chaplain, Rev. Mr. Steele.

Mr. Sternberg presented claim of Thomas J. Simmons, for hauling furniture from Lecompton to Lawrence.

Referred to Committee on Claims.

Mr. Moore, from Committee on Corporations other than Banks, made the following report:

MR. SPEAKER—The Committee on Corporations other than Banks, to whom was referred bill No. 70, "An act to amend an act to incorporate the city of Marysville," have had the same under consideration, and instruct me to report the same back and recommend its passage, and also that it be printed.

G. A. MOORE.

*Chairman.*

Also, your Committee to whom was referred bill No. 81, entitled "An act to amend an act entitled 'An act to incorporate cities of the State of Kansas,' approved March 4, 1862," have had the same under consideration, and instruct me to report it back to the House, and recommend its passage, and that it be printed.

G. A. MOORE,

*Chairman.*

Mr. Saunders, from the Committee on Judiciary, made the following report:

MR. SPEAKER—The Committee on Judiciary have had under consideration House bill No. 68, "An act to postpone the time of holding the District Court of Nemaha county," and instruct me to report the same back and recommend its passage without being printed.

W. B. SAUNDERS,

*Chairman.*

Also, your Committee have had under consideration House bill

No. 66, "An act to authorize the county board of Commissioners of Shawnee county to issue bonds for the purpose of building a bridge across the Kansas river," and instruct me to report the same back to the House and recommend its passage, and that it be printed.

W. R. SAUNDERS,  
*Chairman.*

Mr. Barnes, from Committee on Agriculture, made the following report:

MR. SPEAKER—The Committee on Agriculture have had under consideration bill No. 69, entitled "An act to amend an act to provide for the regulating of the running at large of swine, approved January 28, 1860," would respectfully recommend its rejection on the ground that sixty days, as provided in sections 7 and 8 of the law, is as limited a time as the case admits of, and fear a less time would facilitate stealing.

ASA BARNES,  
*Chairman.*

Also, your Committee on Agriculture and Manufacture, to whom was referred bills No. 14 and 22, to amend the stray law, have had the same under consideration, and report them back to the House, and recommend the following substitute for bill No. 22:

ASA BARNES,  
*Chairman.*

Mr. Johnson, from Committee on Ways and Means, made the following report:

MR. SPEAKER—Your Committee on Ways and Means, to whom was referred bill No. 26, "An act relating to county finances," ask for further time to consider the same.

J. P. JOHNSON,  
*Chairman.*

Also, your Committee on Ways and Means, to whom was referred bill No. 82, "An act to authorize the State Treasurer to credit Wyandotte county with tax," report the same back, and ask that it be referred to the Judiciary Committee, with the petition accompanying the same.

J. P. JOHNSON,  
*Chairman.*

By consent, Mr. Thoman withdrew House bill No. 14.

Mr. Reynolds, from Committee on Counties, made the following report:



" **MR. SPEAKER**—The Committee on Counties have had bill No. 43, entitled an act limiting the powers of county commissioners," under consideration, and have instructed me to report the same back to the House without recommendation. **C. REYNOLDS,**

*Chairman.*

Your committee have also had under consideration House bill No. 45, entitled "An act providing for the election of County Attorneys, and prescribing their duties," and direct me to report it back to the House, with the following recommendation:

That section 4 be stricken out, and the following inserted in place thereof:

**SECTION 4.** That the County Attorney for each county in the State receive such compensation for his services as are now provided for by law for the services of District Attorneys;

And that the bill as amended pass; also, that it be printed, as Mr. Smith, from Committee on Education, made the following report:

**MR. SPEAKER**—The Committee on Education respectfully report that they have had bill No. 19, entitled "An act to organize the State Normal [School,]" under consideration, and instruct me to report the same back, with the following amendment:

Insert in section 2, after "Governor," in the third line, "by and with the consent of the State Superintendent of Public Instruction and State Treasurer."

Insert in section 4, in 14th line, after the word "afterwards," the following: "by and with the consent of the State Superintendent of Public Instruction and State Treasurer."

Strike out, after the word "buildings," in line 4, section 7, the words "implements of husbandry and mechanical tools," and insert "all implements and apparatus necessary to teach the mechanical arts and agricultural chemistry."

After the word "anatomy," in line 2 of section 13, insert "physiology."

At the first of section fifteen (15) strike out all preceding "and their associates," &c., and insert the words, "That the board of Directors provided for in section 2, in line 2."

In line 2, section 16, strike out the words "named in the forego-

ing section," and insert "appointed as provided for in section 2."

And recommended that the bill, as amended, pass, and be printed.

JAMES N. SMITH,  
*Chairman.*

Mr. Glick, from Committee on County Seats and County Lines, made the following report:

MR. SPEAKER—The committee on County Seats and County Lines have had under consideration bill No. 16, "An act to change certain county lines," and a majority instruct me to report the same back, and recommend that it do not pass.

C. V. ESKRIDGE,  
*Chairman pro tem.*

Mr. Glick, from Committee on County Seats and County Lines, to whom was referred bill No. 73, being "An act detaching the county of Clay from the county of Davis, and attaching the same to the county of Riley," refer the same back to the House, and recommend its passage.

G. W. GLICK,  
*Chairman.*

Mr. Cobb, from Committee on Engrossed Bills, made the following report:

Your committee have examined bill No. 21, entitled "An act appropriating township and road money for school purposes," and bill No. 9, "An act for recording marks and brands," and find them correctly engrossed.

D. B. COBB,  
*Chairman.*

Mr. Hutchins, from special committee, made [the] following report:

MR. SPEAKER—[The committee] to whom was referred House bill No. 35, entitled "An act to change the name of the township and town of Sautrell Falls and Sautrell River, to repeal chapter 40 of the laws of 1863," have had the same under consideration, and instruct me to report the bill back to the House, and recommend [that] the bill be printed, and, when printed, that it do pass.

E. M. HUTCHINS,  
*Chairman.*

Mr. Laing, from select committee, made the following report:

MR. SPEAKER—The special committee to whom was referred bill

No. 10, entitled "An act to establish a geological survey," have had the same under consideration, and ask leave to report the same back to the House, with a recommendation of its passage, and that it be printed.

J. B. LAING,

*Chairman.*

Mr. Drenning, from special committee, made the following report:

MR. SPEAKER—Your committee, appointed to examine the accounts of the Quartermaster General, Ed. Russell, would respectfully report that they have examined the accounts of the Q. M. G., and find them correct, in accordance with exhibit "B" of the report of the Q. M. G., submitted to the House by the Governor, with his message, January 7, 1864.

F. H. DRENNING,

*Chairman.*

The following communication was received from the Secretary of State:

STATE OF KANSAS, EXECUTIVE DEPARTMENT, }  
OFFICE OF SECRETARY OF STATE, }  
TOPEKA, January 20, 1864. }

*To the Honorable House of Representatives:*

Gentlemen—I am in receipt of your resolution, directing me to procure a map of the State of Kansas, for the use of the members of your House, and answer that the best map within my reach is "Gunn & Mitchell's," which I herewith send you.

A large but imperfect map of the State may be found in the Auditor's office.

Very respectfully, &c.,

W. W. H. LAWRENCE,

*Secretary of State.*

The following message was received from the Senate, which was, on motion, concurred in:

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has adopted concurrent resolution No. 5, relative to printing the rules, in which the concurrence of the House is respectfully requested.

JOHN T. MORTON,

*Secretary.*

The following message was received from the Senate.

Message from the Senate, by John T. Morton, Secretary:

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has concurred in House concurrent resolution No. 5, relating to mail service from Kansas City to Council Grove, Kansas.

JOHN T. MORTON,

Secretary.

Mr. Emery offered the following resolution, which was referred to the Committee on Education :

*Resolved*, That the Committee on Education be asked to bring in a bill empowering school districts to locate school houses and appropriate sites therefor, at such places as they see fit.

Mr. Wood offered the following concurrent resolution, No. 6, which was laid over under the rule, directing the Secretary of State to furnish copy of that portion of journals of last House to contractors, which was destroyed in the raid upon Lawrence.

Mr. Miller offered the following resolution, which was referred to committee :

*Resolved*, That the House instruct the State Superintendent of Public Instruction to recommend the adoption of the phonetic system of orthography in the common schools, to the superintendents of the various counties in the State.

By consent, bill No. 43 was ordered printed.

Mr. Hidden offered the following resolution, which was lost :

*Resolved*, That the Sergeant-at-Arms be required to furnish papers taken by the members of this House, by 9 o'clock in the morning.

Resolution offered by Mr. Forman, on previous day, was withdrawn by consent.

The following resolution, offered on previous day, was taken up and indefinitely postponed :

*Resolved*, That the Sergeant-at-Arms be authorized to purchase a copy of Webster's Unabridged Dictionary, for the use of members of this House.

The following resolution, offered on previous day, was taken up, and yeas and nays being demanded, was adopted :

Yeas 47; noes 27.

*Resolved*, That the Speaker be authorized to appoint an Assistant Journal Clerk, when he shall think it necessary.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th district), Barnes (21st district), Belding, Batsell, Bottom, Bradley, Camp, Cavender, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Ellis, Fleming, Forman, Freeland, Fullington, Hawks, Hersey, Hollinberg, Hutchins, Johnson (1st district), Lacock, Laing, Lingo, Moore, McBride, Orem, Reynolds, Saunders, Smith, Snook, Sternberg, Stone, Thomas, Throckmorton, Wood, Brumbaugh, Hidden, Taylor.

Gentlemen voting nay were—

Messrs. Buck, Campbell, Chestnut, Emery, Eskridge, Evans, Fox, Frost, Glick, Grover, Johnston (70th district), Jones, Kenner, Miller, McCulloch, Pickering, Pile, Rogers (54th district), Rogers (60th district), Stephens, Saqui, Trower, Twombly, Walker, Williams (9th district), Williams (18th district).

A message was received from the Senate.

The following communication was received from the Attorney General:

TOPEKA, KANSAS, OFFICE OF }  
ATTORNEY GENERAL, Jan. 21, 1864. }

MR. SPEAKER—In answer to the resolution of inquiry as to whether the improvements on homestead exemptions are taxable under the Constitution, I advise you that such improvements are taxable like other improvements. Section 9 of article 15 of the Constitution, providing for their exemption, says that no property shall be exempt from sale for taxes. If not exempt from sale for taxes, taxes were intended to be levied thereon. The exemptions from taxation are contained in section 1, article 11 of the Constitution, and do not include "homesteads."

Very respectfully,

W. W. GUTHRIE.

*Attorney General.*

Mr. Hawks introduced House bill No. 107, entitled "An act to establish the Salaries of State officers, Justices of the Supreme Court, Judges of the District Court, and officers of the Legislature."

Read the first time.

Mr. Emery introduced bill No. 108, entitled "An act relating to the endowment of the State University."

Read the first time.

Also, bill No. 109, entitled "An act concerning deeds and mortgages."

Read the first time.

Mr. Ayers introduced bill No. 110, entitled "An act for destroying wolves."

Mr. Moore introduced bill No. 111, entitled "An act to encourage the organization of fire companies."

Read the first time.

Mr. Brumbaugh introduced bill No. 112, "An act to prohibit the sale of intoxicating liquors on the Sabbath day."

Read the first time.

Also, bill No. 113, "An act to establish the fees of Sheriffs of the several counties for conveying prisoners to the penitentiary, and provide for their payment."

Read the first time.

Mr. Hersey introduced bill No. 114, entitled "An act to establish the eastern boundary of Dickinson county."

Read the first time.

Mr. Twombly introduced bill No. 115, entitled "An act relating to the town of Delaware."

Read the first time.

Mr. Batsell introduced bill No. 116, entitled "An act to prevent dogs from running at large that have been bitten by a mad dog."

Read the first time.

Mr. Pile introduced House bill No. 117, entitled "An act in relation to attachments in District Courts, when the amount claimed is less than one hundred dollars."

Read the first time.

Mr. Cavender introduced House bill No. 118, entitled "An act authorizing the sale of school lands and providing for the distribution of the proceeds thereof."

Read the first time.

Mr. Lingo introduced bill No. 119, entitled "An act to establish a certain State road."

Read the first time.

Mr. Wood introduced bill No. 120, entitled "An act supplementary to an act entitled 'An act to establish a code of civil procedure.'"

Read the first time.

Mr. Orem introduced bill No. 121, entitled "An act to locate a certain State road."

Also, bill No. 122, entitled "An act supplementary to an act to prevent nuisance."

Read the first time.

Mr. Taylor introduced bill No. 123, entitled "An act to protect buffalo."

Read the first time.

Mr. Camp introduced bill No. 124, entitled "An act to amend an act entitled 'An act to exempt certain property from sale on execution or other process.'"

Read the first time.

Mr. Saunders introduced bill No. 125, entitled "An act to provide for the use of the interest of the endowment of the Kansas State Agricultural College."

Read the first time.

Mr. Hutchins introduced bill No. 126, entitled "An act for the preservation of bridges."

Read the first time.

House bill No. 84, "An act to change the term of court in the third judicial district," was read the second time, and

Referred to the Committee on Judiciary.

House bill No. 85, "An act to give certain powers to the board of County Commissioners of Douglas county," was read the second time, and

Referred to Committee on Judiciary.

House bill No. 86, "An act to establish the western boundary of the county of Davis," was read the second time, and

Referred to Committee on County Seats and County Lines.

House bill No. 87, "An act to vacate certain streets and alleys, and to convey to a school district a certain park," was read the second time, and

Referred to Committee on Corporations other than Banks.

House bill No. 88, "An act relating to county officers," was read the second time, and

Referred to Committee on Counties.

House bill No. 89, "An act to locate a certain State road," was read the second time, and

\* Referred to the Committee on Roads and Highways.

House bill No. 90, "An act supplemental to an act defining the duties and prescribing the qualifications of the Clerks of the District Court," was read the second time, and

Referred to the Committee on Judiciary.

\* House bill No. 91, "An act to provide for the building of bridges, by mortgaging the internal improvement land," was read the second time, and

Referred to the Committee on Internal Improvements.

House bill No. 92, "An act to protect the citizens of Linn county from depredations of stock," was read the second time, and

Referred to the Committee on Agriculture.

House bill No. 93, "An act to amend an act supplemental to an act to provide for the assessment and collection of taxes," was read the second time, and

Referred to the Committee on Ways and Means.

\* House bill No. 94, "An act to provide for the sale of school lands," was read the second time, and

Referred to the Committee on Education.

\* House bill No. 95, "An act to authorize Lyon county to issue bonds, to build a jail," was read the second time, and

Referred to Committee on Judiciary.

\* Bill No. 96, an act entitled "An act to amend an act entitled 'An act regulating enclosures,'" was read the second time, and

Referred to the Committee on Agriculture.

House bill No. 97, "An act exempting certain property from sale upon execution or other final process," was read the second time, and

Referred to the Committee on Judiciary.

\* House bill No. 98, "An act concerning mutilated, lost and destroyed bonds," was read the second time, and

Referred to the Committee on Judiciary.

House bill No. 99, "An act relating to the compensation of District Attorneys," was read the second time, and

Referred to the Committee on Judiciary.

House bill No. 100, "An act amending an act respecting executors and administrators," was read the second time, and

Referred to the Committee on Judiciary.



House bill No. 101, "An act to authorize the Auditor of State to issue duplicate Territorial warrants in certain cases," was read the second time, and

Referred to the Committee on Judiciary.

House bill No. 102, "An act to establish and locate an institution for the education of the deaf and dumb," was read the second time, and

Referred to the Committee on Public Institutions.

House bill No. 103, "An act to establish a State road," was read the second time, and

Referred to the Committee on Roads and Highways.

House bill No. 104, "An act to regulate the sale of intoxicating liquors," was read the second time, and

Referred to Committee on Judiciary.

House bill No. 105, "An act to appropriate certain money in Morris county, Kansas," was read the second time, and

Referred to Committee on Judiciary.

House bill No. 106, "An act to amend an act supplemental to an act to provide for the assessment and collection of taxes," was read the second time, and

Referred to the Committee on Printing.

By consent, bill No. 9 was referred to the Committee of the Whole.

House bill No. 6, "Act to repeal an act respecting the duties of county and township officers, was read the third time.

The question being, Shall the bill pass?

The vote resulted as follows:

Ayes 65; noes 2.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (21st district), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Ellis, Emery, Eakridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st district), Johnston (70th district), Jones, Kenner, Laing, Lingö, Miller, Moore, McBride, McCulloch, Oren, Pickering, Pile, Reynolds, Rogers (54th district), Rogers (60th district),

Saqui, Snook, Sternberg, Stevens, Stone, Thoman, Throckmorton, Trower, Twombly, Walker, Williams (9th district), Williams (18th district), Wood.

Gentlemen voting nay were—

Messrs. Lacock and Saunders.

A constitutional majority having voted in the affirmative,

So the bill passed, and

The title agreed to.

House bill No. 21, entitled "An act appropriating township and road money for school purposes," was read the third time.

The question being, Shall the bill pass?

The yeas and nays being called, resulted as follows:

Ayes, 63; nays 5.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (8th district), Barnes (21st district), Belding, Batsell, Bottom, Bradley, Brumbaugh, Camp, Campbell, Cawender, Chestnut, Craig, Cobb, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hidden, Hollinberg, Hents, Hutchins, Irwin, Johnson (1st district), Johnston (70th district), Jones, Kenner, Laing, Lingo, Miller, Moore, McBride, McCulloch, Pickering, Pile, Reynolds, Rogers (54th district), Saqui, Snook, Sternberg, Stevens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Walker, Williams (9th district), Williams (18th district).

Gentlemen voting nay were—

Messrs. Lacock, Orem, Rogers (60th district), Smith, Wood.

A constitutional majority voting in the affirmative,

So the bill passed, and

The title was agreed to.

House bill No. 30, entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the city of Lawrence,'" read the third time.

The question being, Shall the bill pass?

And the yeas and nays being called, resulted as follows:

Ayes, 70; noes, 0.

Gentlemen voting aye were—

Ayers, Barnes (8th), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Drapping, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st district), Johnston (70th district), Jones, Kenner, Lacock, Laing, Lingo, Miller, Moore, McBride, McCulloch, Orem, Pickering, Pile, Reynolds, Rogers (54th district), Rogers (60th district), Saqui, Saunders, Smith, Snook, Sternberg, Stevens, Stone, Stratton, Taylor, Thoman, Twombly, Walker, Williams (9th district), Williams (18th district), Wood—70.

A constitutional majority having voted in the affirmative,

So the bill passed, and

The title was agreed to.

The House resolved itself into Committee of the Whole, for the consideration of bills Nos. 9, 4, 25, 20 and 39, Mr. Glick in the chair.

After some time spent therein, the committee arose, and reported back, through their chairman, bills Nos. 9, 4, 25, 20 and 39, and asked leave to sit again.

On motion, House adjourned.

#### AFTERNOON SESSION.

TWO O'CLOCK, P. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

House resolved itself into Committee of the Whole, on bills Nos. 9, 4, 25, 39 and 20, Mr. Glick in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back bill No. 9, and recommended its passage, as amended.

Also, bill 4, and recommended it be referred to the Committee on Judiciary.

Also, bill 25, and recommended it be referred to the Committee on Roads and Highways.

Also, bill 20, and recommended its passage.

Also, bill 39, and recommended it be referred to Committee on Roads and Highways.

Bills reported favorable were ordered to be engrossed on third reading.

House resolved itself into Committee of the Whole, for the consideration of bills Nos. 3, 40, 41, 60, 63, Mr. Jones in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back bill No. 3, and recommended its passage.

Also, bill No. 40, and recommended the enacting clause be stricken out.

Also, bill No. 41, and recommended [to refer] to special committee of one—Mr. Emery.

Also, bill No. 60, and ask leave to sit again.

Also, bill No. 63, and recommended that the enacting clause be stricken out.

Report agreed to.

Bills reported favorable ordered to be engrossed for third reading.

The House resolved itself into Committee of the Whole, for the consideration of bill No. 62, Mr. Johnson in the chair.

After some time being spent therein, the committee arose, and, through their chairman, reported back bill No. 62, and recommended that the enacting clause be stricken out.

Report agreed to.

By consent of the House, Mr. Saunders offered the following resolution, which was adopted :

WHEREAS, A bill has been introduced into this House, making a

certain provision in relation to the Agricultural College, and whereas Mr. Dennison, the President of that institution, desires to be heard in explanation of the necessities for and the operations of the bill; therefore,

*Resolved*, [That] he have the use of this hall, and that the members give him a hearing, immediately after adjournment this evening.

W. R. SAUNDERS.

By consent, Mr. Eskridge made the following report:

MR. SPEAKER—The special committee to whom was referred the resolutions asking the promotion of Col. W. F. Cloud have had the same under consideration, and report the same back to the House, recommending their passage without amendment.

C. V. ESKRIDGE.

JAMES ROGERS.

C. REYNOLDS.

On motion, the House adjourned.

### MORNING SESSION.

FRIDAY, JANUARY 22, 1864, 10 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Ayers, Johnson (1st,) and Wakefield.

Prayer by the Chaplain, Rev. Mr. Alward.

Journal of yesterday read and approved.

Mr. Cummings presented petition of J. W. Roberts, for publishing a certain notice, &c.

Referred to the Committee on Claims.

Mr. Smith, from the Committee on Education, made the following report:

MR. SPEAKER—The committee to whom was referred bill No. 2, entitled "An act making appropriation for educating the deaf and dumb children of the State of Kansas, for the year 1864," have had the same under consideration, and instruct me to report that further time is necessary, and ask that they have further time to report.

JAMES N. SMITH,  
*Chairman.*

Also made the following report:

MR. SPEAKER—Your committee, to whom was referred the resolution directing the "Committee on Education to enquire what legislation, if any, is necessary, to leave for the benefit of schools all estates of persons dying without heirs or will, as provided in section 3 of article 6 of the constitution, and that they be instructed to report by bill or otherwise," would respectfully report that they find, in an act of the Legislature, approved June 4, 1861, a provision to make the same a part of the permanent school fund, in accordance with the constitution. See section 1. And, in the various sections, provision is made for the investment of the permanent fund. Section 14 provides:

"All money belonging to the State school and university funds shall be deposited with and paid to the State Treasurer, and to be subject to the order of the Board of Commissioners;" which board is provided in section 3.

The committee therefore ask to be discharged from further consideration of the subject.

JAMES N. SMITH,  
*Chairman.*

Mr. Smith, from the Committee on Education, made the following report:

MR. SPEAKER—Your committee, to whom was referred bill No. 79, entitled "An act establishing uniformity of school books," would report that they have had the same under consideration, and instruct me to report the same back to the House and recommend that it do pass and be printed.

JAMES N. SMITH,  
*Chairman.*

Also, the following report:

The committee to whom was referred bill No. 94, entitled "An act to provide for the sale of school lands," report that they have had the same under consideration, and instruct me to report the same back and recommend that it do pass and that it be printed.

JAMES N. SMITH,

*Chairman.*

Mr. Eskridge, from Committee on Railroads, made the following report:

MR. SPEAKER—Your Committee on Railroads have had under consideration bill No. 49, "An act to amend an act entitled 'An act to incorporate the Southern Kansas Pacific Railroad Company,'" and instruct me to report the same back to the House and recommend its passage with the following amendment as an additional section, to be numbered section 4. That section 4 of said act to amend so as to read as follows:

"That all the privileges and provisions of an act entitled 'An act to incorporate the Wyandotte, Minneola and Council Grove Railroad Company,' be and the same are hereby conferred on the Osage and Cottonwood Valley Railroad Company, which last named company shall have five years from the approval of this act in which to commence the construction of the said Osage and Cottonwood Valley Railroad."

C. V. ESKRIDGE,

*Chairman.*

Also made the following report:

MR. SPEAKER—Your committee, to whom was referred House bill No. 36, "An act to accept a grant of land to the State of Kansas by the Congress of the United States, to aid in the construction of certain railroads and telegraphs in said State, and to apply the same to the construction of said railroads and telegraphs," have had the same under consideration, and direct me to report the same back with the following amendment and recommend its passage; and at the end of section 3, the following:

"*And provided further,* That if the Congress of the United States shall, on or before the fourth day of March, A. D. 1866, consent that the Neosho Valley branch of the above named road may be extended so as to intersect the Union Pacific railroad, Eastern Division, at or near Fort Riley, and shall make a grant of land

for such extension, of like amount with that granted per mile for the herein above mentioned principal road, then said Atchison, Topeka and Santa Fe railroad company shall proceed to construct such branch to such intersection herein above prescribed, applicable to the construction of said main road.

C. V. ESKRIDGE,  
*Chairman.*

MR. SPEAKER—Your Committee on Railroads, to whom was referred concurrent resolution in relation to the extension of the Neosho Valley and Osage and Cottonwood Valley railroad, have had the same under consideration, and instruct me to report the following memorial back as a substitute, and recommend its passage.

C. V. ESKRIDGE,  
*Chairman.*

Mr. Stratton, from the Committee on ——— made the following report:

MR. SPEAKER—Your committee, to whom was referred the petition of Co. K, Eleventh regiment of Kansas volunteers, would beg leave to make the following report:

That while we fully accede to the justice of the request, we have reliable information that they have already re-enlisted under the re-enlistment of veterans, and have thereby secured the benefits petitioned for, rendering legislative action unnecessary.

C. H. STRATTON,  
*Chairman.*

Mr. Cobb, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER—The Committee on Engrossed Bills, have examined bill No. 20, "An act to enable Osawatimie township, in Miami county, to purchase land for the location of the State Insane Asylum," and bill No. 3, "An act to authorize certain State officers to administer oaths," and bill No. 9, "An act for recording marks and brands," find the same correctly engrossed.

D. R. COBB,  
*Chairman.*

Mr. Stratton, from Committee on Federal Relations, made the following report:

MR. SPEAKER—The Committee on Federal Relations, to whom



was referred joint resolution on President Lincoln and his administration, with the amendment thereto, would beg leave to report the same back and recommend the passage of the following substitute.

C. H. STRATTON,

*Chairman.*

The report of Mr. Stratton, from special committee, on that portion of the Governor's message referring to border, militia, soldiers' pay, &c., was received.

Mr. Saunders, from Committee on Judiciary, made the following reports:

The Judiciary Committee have had under consideration House bill No. 101; "An act to authorize the Auditor of the State of Kansas to issue duplicate Territorial warrants in certain cases," and are of the opinion that its provisions would encourage frauds and perjury, and accordingly have instructed me to report the same back to the House recommending its rejection.

W. R. SAUNDERS,

*Chairman.*

Also made the following report:

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 74, "An act requiring county commissioners to give bonds," and instruct me to report the same back to the House, recommending its rejection.

W. R. SAUNDERS,

*Chairman.*

Also made the following report:

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 77, "An act relating to criminal procedure," and instruct me to report the same back to the House and recommend its rejection.

W. R. SAUNDERS,

*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 78, "An act to amend 76th, code of civil procedure," and instruct me to report the same back to the House and recommend its rejection.

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 82, an act to authorize the State Treasurer

to credit Wyandotte county with tax," have instructed me to report the same back to the House and recommend its passage.

W. R. SAUNDERS,

*Chairman.*

MR. SPEAKER—The Committee on Judiciary have had under consideration House bill No. 85, "An act giving certain powers to the County Commissioners of Douglas County," and have instructed me to report the same back, with the accompanying substitute, and recommend the passage of the substitute, without being printed.

W. R. SAUNDERS,

*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 90, "An act supplemental to an act defining the duties and prescribing the qualifications of the Clerks of the District Courts," and find that section 10 of an act regulating the terms of the District Court in the several judicial districts, approved May 20, 1861, embraces provisions substantially like those contemplated by the bill, and therefore recommend its rejection.

W. R. SAUNDERS,

*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 97, "An act exempting certain property from sale upon execution or other final process," and have instructed me to report the same back to the House, and recommend its rejection.

W. R. SAUNDERS,

*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 98, "An act concerning mutilated, lost and destroyed bonds," and instruct me to report the same back to the House, and recommend its passage.

W. R. SAUNDERS,

*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 99, "An act relating to the compensation of District Attorney, and have instructed me to report the same back to the House, and recommend its rejection.

W. R. SAUNDERS,

*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 105, "An act appropriating certain money in Morris county, Kansas," and instruct me to report the same back to the House, and recommend its passage, without being printed.

W. R. SAUNDERS,

*Chairman.*

The following communication was received from the Secretary of State:

• STATE OF KANSAS, EXECUTIVE DEPARTMENT, }  
OFFICE OF SECRETARY OF STATE, }  
TOPEKA, January 22, 1864. }

*To the Honorable House of Representatives:*

Gentlemen—Herewith I have the honor to forward, for the consideration of your body, a communication from the post office department at Washington, asking for a map, &c.

Before I can comply with the request of the department, it will be necessary for the Legislature to provide by law that each county shall furnish this office with correct maps, &c., and I would suggest that, if you so direct that provision should be made to furnish each county with appropriate mapping paper, so that when they are returned to this office, they can be bound in one volume, and kept for reference.

Very respectfully, &c.,

W. W. H. LAWRENCE,

*Secretary of State.*

Referred to Committee on Federal Relations.

The following message was received from the Senate:

MR. SPEAKER—I am directed by the Senate to inform the House of Representatives that the Senate has rejected bill No. 24, "An act to change the time at which shall commence and close the term of office of county treasurer."

JOHN T. MORTON,

*Secretary.*

The following message was received from the Senate:

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has adopted Senate concurrent resolution No. 4, relating to capitol buildings, in which the concurrence of the House of Representatives is respectfully requested.

JOHN T. MORTON,

*Secretary.*

The following message was received from the Senate.

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has adopted Senate joint resolution No. 1, "Joint resolution to amend section three of article five of the Constitution of the State of Kansas," in which the concurrence of the House of Representatives is respectfully requested.

JOHN T. MORTON,

*Secretary.*

Joint resolution No. 1, to amend section 3 of article 5 of the Constitution of the State of Kansas, was read the first time.

Mr. Draper offered the following resolution, which was adopted:

*Resolved*, That Major Samuel Walker be invited to a seat within the bar of this House.

Mr. Reynolds offered the following resolution, which was adopted:

*Resolved*, That the Secretary of State be requested to furnish each member and officer of this House with a copy of the public documents of 1863.

Mr. Wood offered concurrent resolution No. 9, welcoming Major General Curtis [to the] command of the department of Kansas, with invitation to visit the Capital.

Laid over under the rule.

Mr. Saunders offered the following resolution, which was laid over under the rule:

*Resolved*, That all bills printed for the [use] of this House be laid upon the tables of members at least one day before they are called up in Committee of the Whole.

Mr. Eskridge offered the following resolution, which was lost:

*Resolved*, That the Judiciary Committee be requested to examine into the expediency of establishing a State land office, and report by [bill] or otherwise, at an early day.

Mr. Drenning offered the following resolution, which was lost:

*Resolved*, That the Secretary of State be authorized to furnish a copy of the Bible to each member and officer of this House.

Mr. Bottom offered the following resolution, which was adopted:

*Resolved*, That the Hon. B. F. Mudge be allowed the use of this hall, this (Friday) evening, for the purpose of his second geological lecture.

Mr. Miller offered the following resolution, which was laid over under the rules:

*Resolved*, That the House instruct the Committee on Judiciary to prepare and report a bill to this House, to amend the tax law, so as to provide for the taxation of improvements on Congressional homesteads, in accordance with the opinion of the Attorney General.

MILLER.

House concurrent resolution No. 6, offered on previous day, in reference to directing the Secretary of State to furnish copies of that portion of journal of the last House to contractors, was taken up and adopted.

Concurrent resolution, substitute for joint resolution No. 2, in reference to President Lincoln, was taken up.

House adjourned.

#### AFTERNOON SESSION.

2 O'CLOCK, P. M.

House called to order.

Speaker in the chair.

Quorum present.

The following substitute for House joint resolution No. 2, was taken up.

Substitute:

*Resolved*, by the House of Representatives of the State of Kansas, (the Senate concurring therein,)

1st. That we have the utmost confidence in the ability, integrity and patriotism of Abraham Lincoln, President of the United States, and hereby indorse the great measures instituted and prosecuted by

him, having for their object the suppression of the rebellion, the perpetuity of the Union, and the lasting triumph of Freedom.

2nd. That we consider his proclamation of Jan. 1st, 1863, as the potent instrument which, in the hands of Providence, will assuredly effect the regeneration of the Republic, and secure its establishment upon the solid basis of universal freedom, and that his proclamation of December 8th, 1863, having in view the reorganization of the rebellious States, entitles him to the lasting gratitude of every lover of State government and impartial liberty.

3rd. That we urge the National Convention, which is called to assemble at the city of Chicago, on the 4th of July next, to present to the country the name of our present Chief Magistrate as a candidate for re-election; in which event, the people of Kansas will rally to his support with an enthusiasm that will defy opposition, and with an unanimity unparalleled in the history of the elective franchise.

4th. That the Governor be and is hereby requested to forward a copy of these resolutions to the President of the United States, to each of our Senators and Representatives in Congress, and to the Governors of the several loyal States.

To which Mr. Emery offered the following amendment to section 3 of substitute:

*Resolved*, That we hereby declare Abraham Lincoln to be our first choice for next President, and we believe that the people of Kansas will rally to his support with an enthusiasm and unanimity unparalleled since the foundation of the government.

To which Mr. Wood offered the following amendment, which was lost:

And further, that James Henry Lane, for his earnest patriotism and constant support of the President in his Kansas-Missouri policy, is our first and only choice for Vice President for the next term.

The ayes and noes being demanded on Emery's amendment, the following was the result:

Ayes, 30; noes, 41.

Gentlemen voting aye were—

Messrs. Barnes (8th district), Barnes (21st district), Batsell, Camp, Cavender, Craig, Cobb, Draper, Drenning, Ellis, Emery, Grover,

Hidden, Houts, Hutchins, Irwin, Jones, Lingo, Miller, Pickering, Pile, Rogers (54th district), Saunders, Sternberg, Stephens, Stone, Throckmorton, Walker, Williams (18th district).

Gentlemen voting no were—

Messrs. Alford, Ayers, Belding, Bottom, Bradley, Brumbaugh, Campbell, Chestnut, Cummings, Donaldson, Eskridge, Evans, Fleming, Fox, Freeland, Frost, Fullington, Glick, Hawks, Hersey, Hollinberg, Johnson (1st district), Kenner, Lacock, Laing, Moore, McBride, McCulloch, Orem, Reynolds, Rogers (60th district), Saqui, Smith, Snook, Stratton, Taylor, Thoman, Twombly, Williams (9th district), Wood.

The question recurring upon this substitute, the ayes and noes were demanded, with the following result:

Ayes, 40; noes, 0.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th district), Barnes (21st district), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cayender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Evans, Fleming, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st district), Johnston (70th district), Jones, Kenner, Lacock, Laing, Lingo, Miller, Moore, McBride, McCulloch, Orem, Pickering, Pile, Reynolds, Rogers (54th district), Rogers (60th district), Saqui, Saunders, Smith, Snook, Sternberg, Stevens, Stone, Stratton, Taylor, Thoman, Throckmorton, Twombly, Walker, Williams (9th district), Williams (18th district), Wood.

So the substitute was adopted.

The following resolution, offered on the previous day, in reference to Col. Cloud, was taken up:

WHEREAS, The distinguished service rendered the cause of the Union, from the commencement of the Southern rebellion to the present time, by Col. W. F. Cloud, of Kansas, entitles him to the thanks and gratitude of the country, and especially of the people of Kansas, and whereas, his loyalty, patriotism and ability as a commander, is and ever has been unquestioned; therefore,

*Resolved*, That the President of the United States is hereby

requested to promote Col. W. F. Cloud to the position of a Brigadier General.

*Resolved*, That the Secretary of State be furnished by the Clerk of this House with a copy of these resolutions, and requested to forward the same to the President of the United States, and to Col. Cloud.

The ayes and noes being called, resulted as follows :

Ayes, 41 ; nays, 30.

Gentlemen voting aye were—

Messrs. Alford, Barnes (8th district), Barnes (21st district), Bel-  
ding, Batsell, Buck, Campbell, Cavender, Chestnut, Cumamings,  
Donaldson, Draper, Drenning, Ellis, Eskridge, Fleming, Fox, Free-  
land, Glick, Hawks, Hersey, Hollinberg, Houts, Hutchins, Johnston  
(70th district,) Laing, Moore, McBride, McCulloch, Pickering, Pile,  
Reynolds, Rogers (60th district), Saunders, Snook, Stratton, Taylor,  
Trower, Twombly, Walker, Williams (9th district).

Gentlemen voting no were—

Messrs. Ayers, Bottom, Bradley, Brumbaugh, Camp, Craig, Cobb,  
Emery, Evans, Frost, Fullington, Grover, Hidden, Irwin, Johnson  
(1st district), Jones, Kenner, Lacock, Lingo, Miller, Orem, Rogers  
(54th district), Saqui, Sternberg, Stevens, Stone, Thoman, Throck-  
morton, Williams (18th district), Wood.

So the resolution was adopted. .

By consent, Mr. Ayers presented petition, which was referred to  
the Committee on Roads and Highways.

On motion, the House adjourned.



## MORNING SESSION.

SATURDAY, JANUARY 23, 1864, 10 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Eskridge, Forman, Grover, Johnson, Pile, Rogers, 60th, and Wakefield.

Prayer by the Chaplain.

Mr. Throckmorton offered an amendment to House concurrent resolution No. 7.

Mr. Brumbaugh moved that the resolution be printed, which was adopted.

House concurrent resolution No. 9, offered on previous day, in relation to inviting Major General Curtis, commander of the department of Kansas, to visit the Capital, was taken up and adopted.

House concurrent resolution No. 8, offered on previous day, in reference to Congressional action in reference to Kansas soldiers, was taken up and adopted.

Mr. Wood presented petition of W. H. Reese and 12 others, of Lyon county, to be set off into Morris county.

Referred to the Committee on County Seats and County Lines.

Mr. ——— presented petition of W. Crozier and others, for a bounty on wolves.

Referred to the Committee on Agriculture.

Mr. Wood presented petition of D. F. Parker, for a certain State road.

Referred to the Committee on Roads and Highways.

Mr. Ellis presented claim of S. N. Wood, for printing.

Referred to Committee on Claims.

Mr. Lacock, from the Committee on Claims, made the following report:

MR. SPEAKER—Your Committee on Claims beg leave to make the following report:

They have had under consideration the following claims, to wit:

Claim of Byron Judd, \$16, that it be allowed.

Territorial warrants to Wm. Spencer should be presented to the Treasurer of State.

Claim of A. Katzenstein, for \$413.24, binding impeachment cases, be not allowed.

Claim of Thomas Simmons, for \$10, hauling furniture, to be rejected.

Claims of Drs. C. A. Logan and Tiffin Sinks, \$100 each, be rejected.

Claim of McHenry, Dawson & Co., for groceries, \$514.24, be allowed.

IRA J. LACOCK,

*Chairman.*

Mr. Emery moved to refer Senate concurrent resolution No. 4, and report of the special committee, to a special committee of five.

Mr. Glick moved to refer to Committee on Public Buildings,

Which was lost.

The vote recurred upon the motion of Mr. Emery, to refer to special committee of five.

The motion prevailed,

And so the resolution and report was referred to special committee, consisting of Messrs. Emery, Lacock, Moore, Cummings and Wood.

The following message was received from the Senate:

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has rejected bill No. 21, "An act appropriating township and road money for school purposes."

JOHN T. MORTON,

*Secretary.*

The following message was received from the Senate:

MR. SPEAKER—In conformity with joint resolution No. 17, I would respectfully inform the House of Representatives that the Senate ordered the printing of 150 copies of each, of Senate concurrent resolution No. 2, to amend section 12, article 2 of the Constitution of the State of Kansas, with report of Committee on Judiciary thereon.

Also, Senate joint resolution No. 2, to amend section 1 of article 10, of the Constitution of the State of Kansas, with the majority and minority reports of the Committee on Apportionment thereon.

JOHN T. MORTON, *Secretary.*

Mr. Downing offered the following resolution, which was laid over under the rules:

WHEREAS, By a vote of this House it has been determined to submit the name of Abraham Lincoln to the consideration of a reputed National Union convention, to be held at Chicago, on the 4th of July next, as the candidate of the loyal people of Kansas for the next President, and whereas, it appears that no such convention has yet been called, that, on the contrary a Democratic, *alias* Copperhead National Convention, has been called at the same place and time; therefore,

Resolved, That the House of Representatives do not desire to insult our worthy Chief Magistrate, or any other man of loyal character by asking a nomination for him at the hands of an assembly of cowardly sympathizers and apostates; and it is further

Resolved, That the vote by which said concurrent resolutions were passed be reconsidered, and the resolution so amended as not to be an insult to the loyalty and integrity of our worthy President.

Mr. Wood offered the following resolution, which was adopted:

Resolved, That the Committee on the Judiciary be instructed to report a bill authorizing and requiring the Auditor of State to credit each county in the State all money paid into the Treasury of the State or this Territory since 1859, and that said Committee report on or before the 1st day of February next. WOOD.

Mr. McCulloch offered the following resolution, which was laid over under the rules:

Resolved, That the Sergeant-at-Arms be instructed to remove the sawdust from this floor immediately.

Mr. Twombly presented House concurrent resolution No. 10, memorializing Congress to grant lands in lieu of 16th and 36th sections sold by the United States in trust lands for the benefit of certain Indian tribes, which was laid over under the rules.

The following resolution, offered on previous day, was taken up and laid on the table:

Resolved, That the House instruct the Committee on Judiciary to prepare and report a bill amending the act law to provide

for the taxation on improvements on Congressional homesteads, in accordance with the opinion of the Attorney General.

On motion, the House adjourned.

#### AFTERNOON SESSION.

2 O'CLOCK, P. M.

House called to order.

Speaker in the chair.

Quorum present.

By consent, Mr. Reynolds withdrew House bill No. 87.

Mr. Rogers introduced bill No. 127, entitled "An act to authorize school district No. 16, in Allen county, to issue bonds."

Read the first time.

Mr. Eskridge introduced bill No. 128, entitled "An act to provide for the use of the interest of the endowment of the State Normal School."

Read the first time.

Mr. Smith introduced [bill] No. 129, entitled "An act defining and providing for the punishment of a certain crime," named therein.

Read the first time.

Mr. McBride introduced bill No. 130, entitled "An act to amend an act incorporating towns and villages, approved February 1st, 1869."

Read the first time.

Mr. Glick introduced bill No. 131, entitled "An act to authorize Consuls to take acknowledgments of deeds and other instruments."

Read the first time.

Also, bill No. 132, entitled "An act in relation to recording mortgages."

Read the first time.

Also, bill No. 133, entitled "An act regulating the duties of district attorney."

Read the first time.

Also, bill No. 134, entitled "An act to provide for the limitation of actions in certain cases."

Read the first time.

Also, bill No. 135, entitled "An act concerning deeds made by town companies."

Read the first time.

Also, bill No. 136, entitled "An act to abolish certain streets and alleys."

Read the first time.

Mr. Freeland introduced bill No. 137, entitled "An act relating to county improvements."

Read the first time.

Mr. Williams introduced bill No. 138, entitled "An act to amend an act supplemental to an act to provide for the assessment and collection of taxes, approved March 3, 1868."

Read the first time.

Mr. Brumbaugh introduced House bill No. 139, entitled "An act to encourage the growth of sheep."

Read the first time.

Also, bill No. 140, entitled "An act to encourage the cultivation of fruit, ornamental and forest trees."

Read the first time.

Mr. Craig introduced bill No. 141, entitled "An act to change the location of the State penitentiary."

Read the first time.

Mr. Brumbaugh introduced bill No. 142, entitled "An act relating to recording deeds and mortgages."

Read the first time.

Mr. Cavender introduced bill No. 143, entitled, "An act to locate a State road from Topeka to Fort Scott, by way of Sas and Fox Agency, Garnett and Mapleton."

Read the first time.

Mr. Williams introduced bill No. 144, entitled "An act for the protection of game."

Read the first time.

Mr. Reynolds introduced bill No. 145, entitled "An act to convey a certain park or public ground to a school district for school purposes."

Read the first time.

Mr. Draper introduced bill No. 146, entitled "An act to establish a State road."

Read the first time.

Mr. Orem introduced bill No. 147, entitled "An act to establish a certain State road."

Read the first time.

Also, bill No. 148, entitled "An act to amend an act entitled 'An act to provide for the regulating of the running at large of swine.'"

Read the first time.

Mr. Cummings introduced bill No. 149, entitled "An act for the relief of Moulton G. Farnum."

Read the first time.

The following message was received from the Governor:

STATE OF KANSAS, EXECUTIVE DEPARTMENT,  
TOPEKA, January 23, 1864

*To the House of Representatives:*

I herewith transmit the report of the Commissioners to locate the State Insane Asylum, in accordance with an act of the Legislature, entitled "An act to provide for the appointment of Commissioners to locate the State Insane Asylum, and to define their duties and for their compensation," approved March 2d, 1863.

THOS. CARNEY.

Senate joint resolution No. 1, to amend section 3 of article 5 of the constitution of the State of Kansas, was read the second time, and

Referred to the Committee on Judiciary.

House bill No. 107, "An act to establish the salaries of State officers, Justices of the Supreme Court, Judges of the District Court," was read the second time, and

Referred to the Committee on Fees and Salaries.

"House bill No. 108, "An act relating to the endowment fund of the State University," was read the second time, and

Referred to the Committee on Public Institutions.

"House bill No. 109, "An act concerning deeds and mortgages," was read the second time, and

Referred to the Committee on Judiciary.

"House bill No. 110, "An act for destroying wolves," was read the second time, and

Referred to the Committee on Agriculture.

"House bill No. 111, "An act to encourage the organization of fire companies," was read the second time, and

Referred to Committee on Corporations other than Banks.

"House bill No. 112, "An act to prohibit the sale of intoxicating liquors on the Sabbath day," was read the second time, and

Referred to the Committee on Judiciary.

"House bill No. 113, "An act to establish the fees of Sheriffs of the several counties for conveying prisoners to the penitentiary, and providing for their payment," was read the second time, and

Referred to the Committee on Judiciary.

"House bill No. 114, "An act to establish the eastern boundary of Dickinson county," was read the second time, and

Referred to the Committee on County Seats and County Lines.

House bill No. 115, "An act in relation to the town of Delaware," was read the second time, and

Referred to the Committee on Judiciary.

House bill No. 116, "An act to prevent dogs from running at large that have been bitten by a mad dog," was read the second time, and

Referred to the Committee on Agriculture.

House bill No. 117, "An act in relation to attachments in the District Court, when the amount claimed is less than one hundred dollars," was read the second time, and

Referred to the Committee on Judiciary.

"House bill No. 118, "An act authorizing the sale of school lands, and providing for the distribution of the proceeds thereof," was read the second time, and

Referred to Committee on Public Lands.

House bill No. 119, "An act to establish a certain State road," was read the second time, and

Referred to the Committee on Roads and Highways.

House bill No. 120, "An act supplemental to an act to establish a code of civil procedure," was read the second time, and

Referred to the Committee on Judiciary.

House bill No. 121, "An act to establish a certain State road," [was read] the second time, and

Referred to Committee on Roads and Highways.

House bill No. 122, "An act supplemental to an act to prevent nuisances," was read the second time, and

Referred to the Committee on Judiciary.

House bill No. 123, "An act to protect buffalo," was read the second time, and

Referred to Committee on Agriculture.

House bill No. 124, "An act to amend an act entitled 'An act exempting certain property from sale on execution or other process,'" was read the second time, and

Referred to the Committee on Judiciary.

House bill No. 125, "An act to provide for the use of the interest of the endowment of the Kansas State Agricultural College," was read the second time, and

Referred to the Committee on Education.

House bill No. 126, "An act for the preservation of bridges," was read the second time, and

Referred to the Committee on Corporations other than Banks.

House bill No. 3, "An act to authorize certain State officers to administer oaths," was read the third time.

The question being, Shall the bill now pass?

And the ayes and noes being demanded,

The vote resulted as follows:

Ayes 71; noes 0.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Battell, Bottom, Bradley, Brumbaugh, Buck, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost,



Fullington, Glick, Grover, Hawks, Hersey, Hidden, Hollisberg, Houts, Hutchins, Irwin, Johnson (1st district), Jones, Kenner, Lacock, Laing, Lingo, Miller, Moore, McBride, McGulloch, Oram, Pickering, Reynolds, Rogers (54th district), Rogers (60th district), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twambley, Walker, Williams (9th district), Williams (18th district), Wood.

A constitutional majority having voted in the affirmative,

And so the bill passed, and

The title was agreed to.

House bill No. 9, "An act for recording marks and brands," was read the third time.

The question being, Shall the bill now pass?

And the ayes and noes being called, with the following result:

On motion of Mr. Glick,

The vote by which bill No. 9 was ordered to a third reading was reconsidered.

Mr. Glick moved to strike out section 3 of bill No. 9.

Carried.

Mr. Wood moved to reconsider the vote by which section 3 was adopted.

Carried, and

Section 3 stricken out.

The vote recurring on the passage of the bill,

The ayes and noes being called, resulted follows:

Ayes, 61; noes, 9.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Bettott, Buck, Camp, Campbell, Chestnut, Craig, Cobb, Cummings, Donaldson, Ellis, Emery, Eskridge, Evans, Fleming, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hidden, Houts, Hutchins, Irwin, Johnson (1st), Jones, Kenner, Lacock, Laing, Miller, Moore, McBride, McGulloch, Oram, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twambley, Walker, Williams (9th), Williams (18th), Wood.

Gentlemen voting no were—  
 Messrs. Batsell, Bradley, Brumbaugh, Cavender, Draper, Dren-  
 ning, Forman, Hollinberg, Lingo.  
 A constitutional majority having voted in the affirmative;  
 And so the bill passed, and  
 The title was agreed to.

House bill No. 20, "An act to enable Osawatimie township to  
 purchase land for the location of the State Insane Asylum," was  
 read the third time.

The question being, Shall the bill pass?  
 And the ayes and noes being called, resulted as follows:

Ayes, 65; noes, 5.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Bat-  
 sell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavend-  
 er, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Dren-  
 ning, Ellis, Emery, Eskridge, Evans, Forman, Fleming, Fox, Free-  
 land, Frost, Fallington, Hawks, Hellinberg, Horra, Hutchins, Irwin,  
 Johnson (1st), Jones, Kenner, Lacock, Loring, Lingo, Miller, Moore,  
 McBride, McCulloch, Orem, Pickering, Reynolds, Rogers (54th),  
 Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton,  
 Taylor, Thoman, Throckmerton, Trower, Twombly, Walker, Wil-  
 liams (9th), Williams (18th).

Gentlemen voting no were—

Messrs. Glick, Grover, Hidden, Rogers (60th), Wood.

A constitutional majority having voted in the affirmative;

So the bill passed, and

The title was agreed to.

By consent, House bill No. 1 was made a special order for Thurs-  
 day next.

The House resolved itself into Committee of the Whole, on bills  
 No. 47, 48, 55, 10 and 35, Mr. Stratton in the chair. After some  
 time spent therein, the Committee arose, and through their chairman,  
 reported back bill 47 with the enacting clause stricken out; bill 48  
 reported back and recommended its passage as amended; bill No.  
 55 was reported back to the House with the recommendation that  
 it be referred to a select committee; report progress bills No. 10  
 and 35, and ask leave to sit again.

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The report of the Committee of the Whole was agreed to.  
Bills reported favorably were ordered to be engrossed for a third reading.

On motion, the House adjourned.

## MORNING SESSION.

MONDAY, JANUARY 25, 1864, 10 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentee—Mr. Cummings.

Prayer by the Chaplain, Rev. DeFauri.

Journal of Saturday read and approved.

Bill No. 55 was referred to a special committee, consisting of Messrs. Wood, Rogers, Johnson, Buck and Brumbaugh.

Mr. Wakefield, from select committee, made the following report:

The Committee, to whom was referred that part of the Governor's message relating to the claims of sufferers in the years 1865, 1866 and 1867, have directed me to make the following report, recommending the passage of the following memorial to Congress, asking for the payment of claims by the General Government.

JOHN A. WAKEFIELD,

Chairman.

Mr. Glick offered the following resolution, which was adopted:

Resolved, That the Auditor of State be requested to furnish to this House, at his earliest convenience, the aggregate amount of

taxes assessed for all purposes in the different counties in the State, except for State purposes, for the year 1863.

House bill No. 127, "An act to authorize school district No. 16, in Allen county, to issue bonds," was read the second time, and

Referred to the Committee on Education.

House bill No. 128, "An act to provide for the use of the interest of the endowment of the State Normal School," was read the second time, and

Referred to the Committee on Education.

House bill No. 129, "An act defining and providing for a crime therein named," was read the second time, and

Referred to the Committee on Judiciary.

House bill No. 130, "An act entitled 'An act to amend an act to incorporate towns and villages,' approved Feb. 1, 1859," was read the second time, and

Referred to the Committee on Corporations other than Banks.

House bill No. 131, "An act to authorize Consuls to take acknowledgments of deeds and other instruments," was read the second time, and

Referred to the Committee on Judiciary.

House bill No. 132, "An act in relation to recording mortgages," was read the second time, and

Referred to the Committee on Judiciary.

House bill No. 133, "An act relating to the duties of district attorney," was read the second time, and

Referred to the Committee on Judiciary.

House bill No. 134, "An act to provide for the limitation of actions in certain cases," was read the second time, and

Referred to the Committee on Judiciary.

House bill No. 135, "An act concerning deeds made by town companies," was read the second time, and

Referred to the Committee on Judiciary.

House bill No. 136, "An act to abolish certain streets and alleys," was read the second time, and

Referred to the Committee on Corporations other than Banks.

House bill No. 137, "An act relating to county improvements," was read the second time, and

Referred to the Committee on Accounts.

House bill No. 138, "An act to amend an act supplemental to 'An act to provide for the assessment and collection of taxes,' approved March 3, 1863," was read the second time, and

Referred to the Committee on Ways and Means.

House bill No. 139, "An act to encourage the growth of sheep," was read the second time, and

Referred to the Committee on Agriculture.

House bill No. 140, "An act to encourage the cultivation of fruit, ornamental and forest trees," was read the second time, and

Referred to Committee on Agriculture.

House bill No. 141, "An act regulating the recording of deeds and mortgages," was read the second time, and

Referred to the Committee on Judiciary.

House bill No. 142, "An act to change the location of the State Penitentiary," was read the second time, and

Referred to the Committee on Public Institutions.

House bill No. 143, "An act to locate a State road from Topeka to Fort Scott, via Sac and Fox Agency, Garnett and Mapleton," was read the second time, and

Referred to the Committee on Roads and Highways.

House bill No. 144, "An act to protect game," was read the second time, and

Referred to Committee on Agriculture.

House bill No. 145, "An act to convey a certain park or public ground to a school district, for school purposes," was read the second time, and

Referred to Committee on Education.

House bill No. 146, "An act to establish a State road," was read the second time, and

Referred to the Committee on Roads and Highways.

House bill No. 147, "An act to establish a certain State road," was read the second time, and

Referred to the Committee on Roads and Highways.

House bill No. 148, "An act to amend an act entitled 'An act to provide for the regulating of the running at large of swine,'" was read the second time, and

Referred to Committee on Agriculture.

House bill No. 38, "An act to establish a State road from Gardner to Ohio City," was

Referred to Committee on Judiciary.

Mr. Cobb, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER—The Committee on Engrossed Bills have examined Bill No. 48, entitled "An act to regulate school funds of the several counties," and find the same correctly engrossed.

DAVID R. COBB,

Chairman.

House bill No. 48, "An act to regulate school funds of the several counties," was read the third time.

The question being, Shall the bill pass?

And the ayes and noes being called, resulted as follows:

Ayes, 69; noes, 0.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th district), Barnes (21st district), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hersey, Holmberg, Houts, Hutchins, Irwin, Johnson (1st district), Johnston (70th district), Jones, Kenner, Lacock, Laing, Ling, Miller, Moore, McBride, McCulloch, Orem, Pickering, Reynolds, Rogers (54th district), Saqui, Saunders, Smith, Sternberg, Stevens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th district), Williams (18th district), and Wood.

A constitutional majority having voted in the affirmative,

And so the bill passed, and

The title was agreed to.

The House resolved itself into Committee of the Whole, for the consideration of bills 10 and 35, Mr. Stratton in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back bills Nos. 10 and 35, and recommended their passage.

Report of committee agreed to.

House bill No. 149, "An act for the relief of Moulton G. Farson" was read the second time, and

Referred to the Committee on Roads and Highways.

The House resolved itself into Committee of the Whole for the consideration of bills Nos. 54, 19, 22 and 43, Mr. Brumbaugh in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back bill No. 54, and recommended [that] the enacting clause be stricken out.

Committee reported progress on bills Nos. 19, 22 and 43, and asked leave to sit again.

Mr. Moore, by consent, introduced House bill No. 150, entitled "An act supplementary to an act entitled 'An act to incorporate cities of the State of Kansas,' approved March 4, 1862."

Read the first time.

By consent, Mr. Walker introduced House bill No. 151, entitled "An to authorize the organization of companies for local police purposes."

Read the first time.

By consent, Mr. Saunders introduced Bill No. 152, entitled "An act to regulate the taking up and posting of strays."

Read the first time.

Mr. Taylor moved that the House do not agree to the report of the committee on bill 54, and that the bill be expressed for a third reading.

Upon which the yeas and nays were demanded, with the following result:

Ayes, 37; nays, 81.

Gentlemen voting aye were—

Messrs. Alford, Belding, Betsell, Bottom, Brumbaugh, Camp,

Cavender, Chestnut, Cobby, Donahison, Drenning, Fleming, Forman,

Freeland, Hidden, Johnson (1st district), Johnston (70th district),

Miller, Moore, McCulloch, Orem, Reynolds, Rogers (54th district),

Stacy, Stephens, Stone, Stratton, Taylor, Towner, Williams (9th district),

Wood, Ellis, Fox, Irwin, Lamm, McBride, Sternberg.

Gentlemen voting no were—

Messrs. Ayers, Barnes (8th district), Barnes (21st district), Bird-

ley, Buck, Campbell, Craig, Draper, Eskridge, Evans, Frost, Grover,

Hawks, Hersey, Hollinberg, Houts, Hutchins, Jones, Kenner, Lingo, Pickering, Rogers (60th district), Saunders, Smith, Shock, Thomas, Wakefield, Walker, Williams (18th district).

So the motion prevailed, and

Bill 54 ordered to be engrossed for a third reading.

Mr. Speaker appointed Mr. Yount Assistant Engrossing Clerk, who came forward and was sworn in.

On motion, House adjourned.

# AFTERNOON SESSION.

Two o'clock, P. M.

Speaker in the chair.

Quorum present.

Mr. Smith offered the following resolution, which was adopted:

*Resolved*, That this hall is hereby granted to Professor Mudge, to lecture on Geology, Thursday evening.

The House resolved itself into Committee of the Whole for the consideration of unfinished business—Mr. Brumbaugh in the chair.

After some time spent therein, the Committee arose, and, through their Chairman, reported back to the House bill No. 19, and recommend its passage as amended; bill No. 24, with the enacting clause stricken out; bill No. 43, and recommend its passage as amended.

The report of the Committee of the Whole was agreed to.

Bills reported favorably were ordered to be engrossed for a third reading.

Mr. Rogers moved that the report of the Committee of the Whole be disagreed to as to bill No. 46.

Mr. Wood moved to amend that the bill be ordered to be engrossed for a third reading.

Carried.



Mr. Glick moved that the rules be suspended, and bill No. 10 be considered engrossed and ordered to a third reading.

During the pendency of Mr. Glick's motion, the House adjourned.

## MORNING SESSION.

JANUARY 26, 1864, 10 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Hersey, Johnson, 1st, McBride, Rogers, 60th, and Saunders.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Glick, from the Committee on County Seats and County Lines, made the following report:

MR. SPEAKER—Your committee have had under consideration bill No. 114, "An act to establish the eastern boundary of Dickinson county," report the same back and recommend its passage.

G. W. GLICK,  
Chairman.

Mr. Ellis, from the Committee on Printing, made the following report:

MR. SPEAKER—The Committee on Printing, to whom was referred bill No. 106, entitled "An act supplemental to an act to provide for the assessment and collection of taxes, approved March 3, 1863,"

having had the same under consideration, have instructed me to report the following substitute therefor, and recommend its passage and be printed.

T. H. ELLIS,  
Chairman.

Mr. Emery, from Committee on Public Lands, made the following report:

MR. SPEAKER—I have duly considered bill No. 41, entitled "An act to legalize a certain deed," and concur with the report of the Judiciary Committee upon the same.

J. S. EMERY,  
Chairman.

Also the following report:

MR. SPEAKER—The Committee on Public Lands herewith report back bill No. 118, entitled "An act to authorize the sale of school lands, and to provide for the distribution of the proceeds thereof," and recommend the printing and passage of the same.

J. S. EMERY,  
Chairman.

Mr. Saunders, from Committee on Judiciary, made the following reports:

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 109, "An act entitled an act ~~smooth~~ ~~lands and mortgages~~," and instruct me to report the same back to the House, recommending its rejection.

W. R. SAUNDERS,  
Chairman.

Also made the following report:

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 119, "An act to establish the fees of sheriffs of the several counties for conveying prisoners to the penitentiary, and to provide for their payment," have instructed me to report the same back to the House, and recommend its printing and its passage.

W. R. SAUNDERS,  
Chairman.

Also, the following report:

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 115, "An act relating to the town of Bel-

aware," and have instructed me to report the same back to the House, recommending its passage without printing.

W. R. SAUNDERS,

*Chairman.*

Also the following report:

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 117, an act in relation to attachments in the district court when the amount is less than one hundred dollars," and instruct me to report the same back to the House, recommending its rejection, for the reason that all the provisions of the bill are fully provided for by the 27th and 52d sections of "An act relating to the jurisdiction and procedure before justices of the peace, approved Feb. 8, 1859."

W. R. SAUNDERS,

*Chairman.*

Also the following report:

MR. SPEAKER—The Committee on Judiciary have had under consideration House bill No. 122, "An act supplemental to an act entitled 'An act to establish a code of criminal procedure,'" and instruct me to report the same back to the House with the accompanying substitute, and recommend the printing and passage of the substitute.

W. R. SAUNDERS,

*Chairman.*

Also the following report:

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 123, "An act supplemental to an act to prevent nuisance," and instruct me to report the same back to the House and recommend its rejection.

W. R. SAUNDERS,

*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 23, "An act to vacate the streets, alleys, parks and public grounds of the town of Laporte, in Doniphan county," and instruct me to report the same back to the House and recommend its passage.

W. R. SAUNDERS,

*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 124, "An act to amend an act exempting certain property from execution or other process," and instruct me

to report the same back to the House and recommend its rejection.

W. R. SAUNDERS,  
*Chairman.*

MR. SPEAKER—Your committee, to whom was referred bill No. 100, entitled "An act amending an act respecting executors and administrators," beg leave to report the same back to the House with the enclosed amendments, and recommend its printing and passage.

W. R. SAUNDERS,  
*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 137, "An act to regulate the granting of pardons," and instructed me to report the same back to the House, recommending its passage, and that it be printed.

W. R. SAUNDERS,  
*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 129, "An act defining and providing for the punishment of a certain crime therein named," and instruct me to report the same back to the House, and recommend its rejection.

W. R. SAUNDERS,  
*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 131, "An act to authorize Constals to take acknowledgments of deeds and other instruments," and instruct me to report the same back to the House, recommending its passage.

W. R. SAUNDERS,  
*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 141, "An act regulating the recording of deeds and mortgages," and instruct me to report the same back to the House, and recommend its rejection.

W. R. SAUNDERS,  
*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 135, "An act concerning deeds made by town companies," and instruct me to report the same back to the House, and recommend its passage and its printing.

W. R. SAUNDERS,  
*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration House Bill No. 136, "An act to provide for the limitation of action in certain cases," and instruct me to report the same back to the House, with the recommendation that it be printed for the consideration of the House.

W. R. SAUNDERS,

*Chairman.*

MR. SPEAKER—The Committee on Judiciary have had under consideration House Bill No. 132, "An act relating to the recording of mortgages," and instruct me to report the same back to the House, and recommend that it be amended, by inserting, after the word "trust," in first line of the second section, these words: "to any party in good faith," and that it be printed and passed.

W. R. SAUNDERS,

*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration House Bill No. 133, "An act in relation to the duties of District Attorney, and instruct me to report the same back to the House, and recommend its rejection.

W. R. SAUNDERS,

*Chairman.*

Mr. Moore, from Committee on Corporations other than Banks, made the following report:

MR. SPEAKER—The Committee on Corporations other than Banks, to whom was referred bill No. 111, entitled "An act to encourage the organization of fire companies," have had the same under consideration, and direct me to report the same back to the House, and recommend its passage, and [that] it be printed.

GEO. A. MOORE,

*Chairman.*

Mr. Rogers, from Committee on Public Institutions, made the following report:

MR. SPEAKER—Your committee, to whom was referred House bill No. 12, entitled "An act to establish and locate an institution for the education of the deaf and dumb, at Leroy, Coffey county, Kansas, have had the same under consideration, and instruct me to report the same back to the House, without recommendation as to location, and that it be printed.

D. ROGERS,

*Chairman.*

MR. SPEAKER—Your committee, to whom was referred House bill No. 102, entitled "An act to establish and locate an institution for the education of the deaf and dumb," have had the same under consideration, and instruct me to report the same back to the House, without recommendation as to location, and that it be printed.

D. ROGERS,

*Chairman.*

MR. SPEAKER—Your committee, to whom was referred House bill No. 108, entitled "An act relating to the endowment fund of the State University," have had the same under consideration, and instruct me to report the same back to the House, and recommend that it do not pass.

D. ROGERS,

*Chairman.*

Mr. Fullington presented the following minority report:

Your committee, to whom was referred bill No. 108, "An act relating to the State University," being unable to agree, beg leave to submit the following, as a minority report:

That they have had the same under consideration, and would recommend that it pass and be printed.

B. FULLINGTON.

On motion of Mr. Smith,

Bill No. 129, entitled "An act to punish a certain crime named therein," was ordered to be printed.

Mr. Johnson, from the Committee on Ways and Means, made the following report:

MR. SPEAKER—The Committee on Ways and Means, to whom was referred bill No. 93, entitled "An act to amend an act supplemental to an act to provide for the assessment and collection of taxes," have had the same under consideration, and would recommend its rejection.

J. P. JOHNSON,

*Chairman.*

Mr. Cobb, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER—Sir—The Committee on Engrossed Bills have examined bill No. 19, entitled "An act to organize a State Normal School," and bill No. 10, "An act for establishing a geological survey," and bill No. 35, "An act to change the name of the town and

township of Sautter Falls and Sautter River," and bill No. 48, entitled "An act limiting the powers of County Commissioners," and find the same correctly engrossed. **DAVID R. COBB,**

*Chairman.*

Mr. Barnes, from Committee on Agriculture, made the following report:

MR. SPEAKER—Your Committee on Agriculture, to whom was referred bill 118, "An act to prevent dogs from running at large that have been bitten by mad dogs," have had the same under consideration, and report it back to the House, and recommend that it be amended as follows:

In the third line of section one, strike out the words "longer than days," and in the fourth line of section one, strike out the words "evidence to prove," and insert the words "been notified;" and, when so amended, that it do pass. **ASA BARNES,**

*Chairman.*

MR. SPEAKER—Your Committee on Agriculture, to whom was referred bill No. 111, "An act for destroying wolves," have had the same under consideration, and would report it back to the House, and recommend its passage. **ASA BARNES,**

*Chairman.*

MR. SPEAKER—Your Committee on Agriculture, to whom was referred Bill No. 143, "An act to amend an act entitled 'An act to provide for the regulation of the running at large of swine,'" have had the same under consideration, and report it back to the House, with the recommendation that it do pass. **ASA BARNES,**

*Chairman.*

MR. SPEAKER—Your Committee on Agriculture, to whom was referred bill No. 128, "An act to protect buffalo," have had the same under consideration, and report it back to the House, with the recommendation that it do pass. **ASA BARNES,**

*Chairman.*

MR. SPEAKER—Your Committee on Agriculture, to whom was referred bill No. 86, (amended) entitled "An act to amend an act regulating enclosures," have had the same under consideration, and report the same back to the House, and recommend that it do not pass.

**ASA BARNES,**

*Chairman.*

On motion, bill No. 123, "An act to protect buffalo," was ordered to be printed.

Mr. Stratton, from special committee on Immigration, made the following report:

MR. SPEAKER—Your committee to whom was referred that portion of the Governor's message relating to immigration, would ask leave to make the following report:

That inasmuch as Ohio, Missouri and others of the Federal States have sent special agents to Europe to secure settlers to their respective localities, and that without some special agency, the great advantages of rich prairies and free homesteads of Kansas will be unknown. That, therefore, we deem it necessary for the State of Kansas to take some measures to secure a fair representation and her just proportion of immigration—and therefore we would recommend the passage of an act providing for a special agent, and making provisions for the payment thereof.

C. H. STRATTON,

*Chairman.*

Mr. Cummings, from Committee on Public Buildings, to whom was referred bill No. 65, "An act to provide for the erection of a State capitol building, and making appropriation therefor, made the following report:

[\* \* \*] instruct me to report the same back to the House, and recommend that it be printed.

J. CUMMINGS,

*Chairman.*

The following report of the Commissioners to locate State Insane Asylum, was received from the Governor on previous day, and was read:

We the undersigned do solemnly swear that we will faithfully discharge the duties of the office of Commissioners to locate the State Insane Asylum, agreeably to the act of the Legislature of the State of Kansas, approved March 2d, 1863.

JAMES HANWAY,

WILLIAM CHESTNUT,

ISAAC HINER.



Sworn and subscribed to before me, this 17th day of October,  
A. D. 1863.

(SEAL.)

H. B. SMITH,

*Notary Public, Miami County, Kansas.*

We, the undersigned appointed Commissioners to locate the State Insane Asylum, under an act of the Legislature of the State of Kansas, approved March 2, 1863, met at Osawatimie, Kansas, on the 7th day of October, A. D. 1863, and after viewing several tracts of land, selected the southeast quarter of section two, township 18, range 22, for said purpose, for the following reason: That this was the only eligible site where a proper title could be obtained with the means at command of the township, and at the same time possessing stone, water, and other material advantages required for the establishment of such an institution.

(Signed)

JAMES HANWAY.

(Signed)

WILLIAM CHESTNUT.

(Signed)

ISAAC HINER.

The following message was received from the Senate, which was concurred in:

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has adopted House concurrent resolution No. 9, welcoming Major General Curtis to [the] command of the Department of Kansas, with an invitation to visit the Capital, with the following amendment: Strike [out] all after the above title, and insert the substitute herewith transmitted. In which the concurrence of the House is respectfully requested.

JOHN T. MORTON,

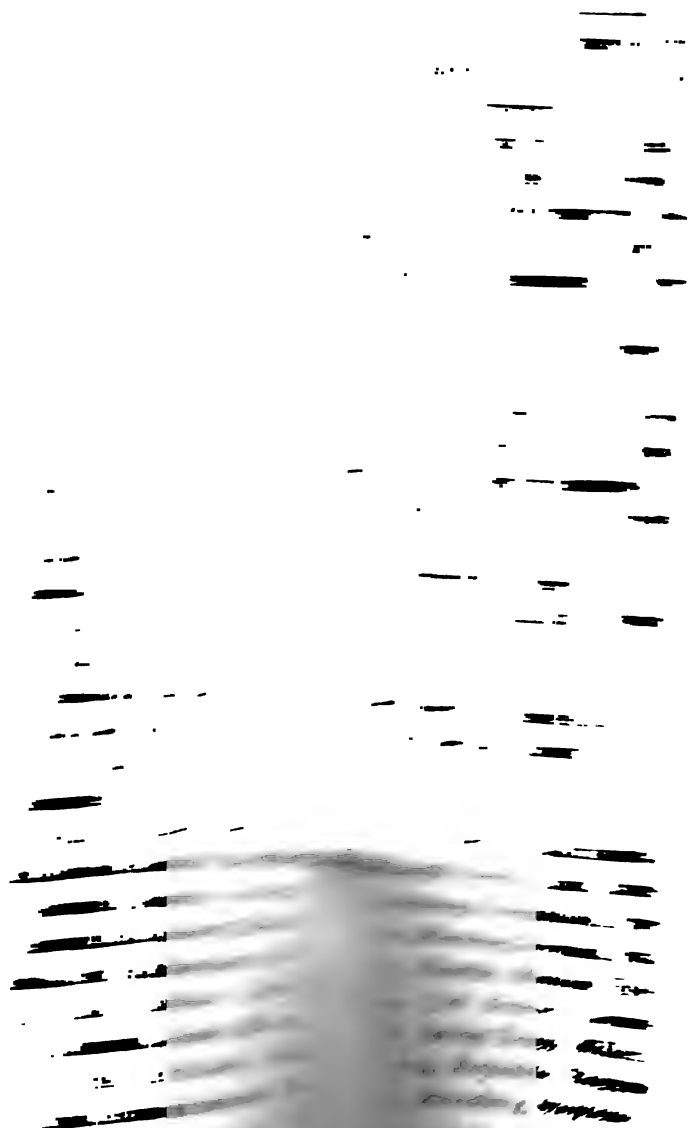
*Secretary.*

Substitute:

*Resolved, by the House of Representatives (the Senate concurring therein), That the people of Kansas have full confidence in the patriotism, sagacity and Generalship of Major General S. R. Curtis, and that we cordially welcome him to the command of this department.*

*Resolved, That we invite him to visit the Capital at as early a day as his convenience will permit.*

*Resolved, That the Secretary of State transmit a copy of these resolutions to Major General S. R. Curtis, without delay.*



Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th district), Williams (18th district), and Wood.

On motion of Mr. Stratton,

Senate concurrent resolution No. 8, in relation to adjournment of the Legislature, on the fifteenth day of February next, was laid on the table.

The following communication was received from the Senate:

MR. SPEAKER—In compliance with 17th joint rule, I respectfully inform the House of Representatives that the Senate has ordered the printing of 150 copies each of bill No. 42, "An act making appropriation for the current Legislative expenses for the year A. D. 1864," with report of Committee on Judiciary thereon:

Also, Senate joint resolution No. 6, granting the right of way for a railroad from Fort Leavenworth to Fort Scott, and to obtain a grant of land for the same, with report of Committee on Railroads thereon.

JOHN T. MORTON,

*Secretary.*

Mr. Emery introduced House bill No. 154, entitled "An act relating to costs in criminal cases."

Read the first time.

Also, bill No. 155, entitled "An act supplemental to an act entitled 'An act to regulate elections, and prescribe the qualifications of electors, to prevent illegal voting,' approved June 3, 1861, to enable electors of Kansas, absent from the township or ward of which they are residents, in the military service of the United States, to exercise the right of suffrage."

Read the first time.

Also, bill No. 156, entitled "An act to amend an act entitled 'An act regulating grist mills and millers.'"

Read the first time.

Mr. Donaldson introduced House bill No. 157, entitled "An act detaching the counties of Butler, Irwin and Otoe from the county of Lyon, and attaching the same to the county of Chase, for judicial purposes."

Read the first time.

Mr. Kling introduced House bill No. 158, entitled "An act to

Message from the Senate:

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has passed bill No. 30, "An act supplemental to an act entitled 'An act to amend and consolidate the several acts relating to the city of Lawrence,' approved February 27, 1860," with the amendment to wit: Add to section two, after word "publication" the following words: "Once in the Lawrence Daily Tribune, which shall constitute such publication," in which amendment the concurrence of the House is requested.

Also, that the Senate has adopted Senate concurrent resolution No. 7, relating to the adjournment *sine die* of the Legislature, in which the concurrence of the House of Representatives is respectfully requested.

JOHN T. MORTON,

Secretary.

Senate concurrent resolution No. 7:

WHEREAS, There is but little legislation required at the present session of the Legislature; and whereas, economy to the State and to the people can be best subserved by speedy enactment of all necessary laws and an early adjournment of this body; therefore, be it

*Resolved by the Senate, (the House concurring therein), That the Legislature of Kansas adjourn sine die on the 15th day of February; A. D., 1864, at 12 o'clock.*

On motion of Mr. Wood,

The House concurred in Senate amendment to House bill No. 30.

And the yeas and noes being called, resulted as follows:

Yeas, 71; noes, 0.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th district), Barnes (21st district), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st district), Johnston (70th district), Jones, Keener, Lacock, Laming, Lingo, Miller, Moore, McBride, McCulloch, Oram, Pickering, Reynolds, Rogers (54th district), Saqui, Sanders, Smith, Snook, Sternberg, Stephens,

Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th district), Williams (18th district), and Wood.

On motion of Mr. Stratton,

Senate concurrent resolution No. 8, in relation to adjournment of the Legislature, on the fifteenth day of February next, was laid on the table.

The following communication was received from the Senate:

MR. SPEAKER—In compliance with 17th joint rule, I respectfully inform the House of Representatives that the Senate has ordered the printing of 150 copies each of bill No. 42, "An act making appropriation for the current Legislative expenses for the year A. D. 1864," with report of Committee on Judiciary thereon:

Also, Senate joint resolution No. 6, granting the right of way for a railroad from Fort Leavenworth to Fort Scott, and to obtain a grant of land for the same, with report of Committee on Railroads thereon.

JOHN T. MORTON,

*Secretary.*

Mr. Emery introduced House bill No. 154, entitled "An act relating to costs in criminal cases."

Read the first time.

Also, bill No. 155, entitled "An act supplemental to an act entitled 'An act to regulate elections, and prescribe the qualifications of electors, to prevent illegal voting,' approved June 3, 1861, to enable electors of Kansas, absent from the township or ward of which they are residents, in the military service of the United States, to exercise the right of suffrage."

Read the first time.

Also, bill No. 156, entitled "An act to amend an act entitled 'An act regulating grist mills and millers.'"

Read the first time.

Mr. Donaldson introduced House bill No. 157, entitled "An act detaching the counties of Butler, Irwin and Otoe from the county of Lyon, and attaching the same to the county of Chase, for judicial purposes."

Read the first time.

Mr. [unclear] introduced House bill No. 158, entitled "An act to

establish, locate and provide for a House of Refuge for the State of Kansas."

Read the first time.

Also, bill No. 159, entitled "An act for the punishment of certain crimes." Read the first time.

Mr. Bottom introduced House bill No. 160, entitled "An act to authorize the county of Wyandotte to subscribe stock in the Union Pacific Railway Company, Eastern Division."

Read the first time.

Also, bill No. 161, entitled "An act to authorize railroad companies to construct bridges and maintain ferries across the Missouri river."

Read the first time.

Mr. Frost introduced House bill No. 162, entitled "An act to preserve the purity of election."

Read the first time.

Mr. Wood introduced House bill No. 163, entitled "An act for the redemption of real estate sold under execution, order of sale, and other final process."

Read the first time.

Also, bill No. 164, entitled "An act to abolish grand juries, and to provide for the trial of offenses upon information."

Read the first time.

Mr. Wakefield introduced House joint resolution No. 4: "Joint resolution to amend the constitution of the State of Kansas."

Read the first time.

Special committee introduced House bill No. 158, entitled "An act to provide for Commissioners of Immigration."

Read the first time.

House bill No. 150, "An act supplemental to an act to incorporate cities in the State of Kansas, approved March 4, 1860," was read the second time; and -

Referred to Committee on Corporations other than Banks.

House bill No. 151, "An act authorizing the organization of companies for local police purposes," was read the second time, and

Referred to the Committee on Corporations other than Banks.

House bill No. 152, "An act to regulate the taking up and posting of strays," was read the second time, and

Referred to Committee on Agriculture.

By consent, House bill No. 10, "An act for establishing a geological survey," was referred back to Committee on Engrossed Bills for correction.

House bill No. 19, "An act to organize the State Normal School," was read the third time.

The question being, Shall the bill now pass?

And the ayes and noes being called, with the following result:

Ayes 70; noes 0.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Fleming, Forman, Fox, Freeleand, Frost, Fullington, Glick, Grover, Hawks, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st district), Johnston (70th district), Jones, Kenner, Lacock, Laing, Lingo, Miller, Moore, McBride, McCulloch, Orem, Pickering, Reynolds, Rogers (54th district), Rogers (60th district), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thomas, Throckmorton, Trowan, Twombly, Wakefield, Walker, Williams (9th district), Williams (18th district), Wood.

And so the bill passed, and

The title was agreed to.

House bill No. 35, "An act to change the name of the town and township of Sautrell Falls and Sautrell river, to repeal chapter 49 of the laws of 1863," was read the third time.

The question being, Shall the bill now pass?

The ayes and noes being called, resulted follows:

Ayes, 69; noes, 1.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeleand, Frost, Fullington, Glick, Grover, Hawks, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th), Jones,

Kenner, Lacock, Laing, Lingo, Miller, McBride, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Mr. Moore voted no.

So the bill passed, and

The title was agreed to.

House bill No 43, "An act limiting the power of County Commissioners," was read the third time.

The question being, Shall the bill pass?

And the ayes and noes being called, resulted as follows:

Ayes, 42; noes, 29.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Cobb, Cummings, Drenning, Fleming, Forman, Fox, Freeland, Frost, Fallington, Glick, Grover, Hidden, Hollinberg, Hutchins, Irwin, Johnson (1st), Laing, McCulloch, Reynolds, Saqui, Snook, Stephens, Stone, Taylor, Thoman, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Gentlemen voting no were—

Messrs. Alford, Campbell, Cavender, Chestnut, Craig, Donaldson, Draper, Ellis, Emery, Eskridge, Evans, Hawks, Houts, Johnston (70th), Jones, Kenner, Lacock, Lingo, Miller, Moore, McBride, Orem, Pickering, Rogers (54th), Rogers (60th), Saunders, Smith, Sternberg, Stratton, Throckmorton.

And so the bill passed, and

The title was agreed to.

Mr. Saunders offered the following protest:

MR. SPEAKER—I most earnestly object to the first section of House bill No. 43, "An act to limit the powers of County Commissioners—

First, because it would be unjust to withhold from the board of Commissioners in any county the power to levy and cause the collection of a sufficient amount to fully satisfy all lawful demands against it.



Second, that, under its provisions, in many counties of the State, there would accumulate, from year to year, an amount of just demands for which no provisions for payment would be made--would be an extreme hardship upon a portion of the creditors of the county, and virtually amount to repudiation.

I would be glad to see the second section become law, and heartily concur in its enactment, apart from the first section.

All of which is most respectfully submitted, with the request that this protest may be spread upon the journal.

WM. R. SAUNDERS.

Mr. Cobb, from the Committee on Engrossed Bills, made the following report:

Mr. SPEAKER--The Committee on Engrossed Bills have examined bill No. 54, entitled "An act to detach the counties of Dickinson, Saline and Ottawa from the county of Davis, to attach the counties of Dickinson and Ottawa to the county of Saline, to establish a District Court in Saline county, and providing for transcribing the records of the District Court of Davis county, pertaining to the counties of Dickinson, Saline and Ottawa," and find the same correctly engrossed.

DAVID R. COBB;

*Chairman.*

House concurrent resolution No. 3, having reference to the continuance of the Hannibal and St. Joseph railroad west, was taken up.

During the pendency of the discussion, the House adjourned.

#### AFTERNOON SESSION.

Two o'clock, P.M.

Speaker in the chair.

Quorum present.

House proceeded to consider House concurrent resolution No. 3.

having reference to the continuation of the Hannibal and Saint Joseph railroad west.

The question being upon the adoption of the resolution,

A call of the House was demanded, and

The following gentlemen answered to their names :

Alford, Ayers, Barnes, (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st) Johnston (70th), Jones, Kenner, Lacock, Laing, Lingo, Miller, Moore, McBride, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood, Mr. Speaker.

On motion of Mr. Wood,

Further proceedings under the call of the House were dispensed with.

The question recurring upon the adoption of the resolution,

The ayes and noes being called, resulted as follows :

Ayes, 89; noes, 83.

Gentlemen voting in the affirmative were—

Messrs. Ayers, Belding, Bradley, Brumbaugh, Camp, Cavender, Chestnut, Craig, Cobb, Drenning, Emery, Eskridge, Evans, Fleming, Forman, Freeland, Hawks, Hollinberg, Houts, Irwin, Johnson (1st district), Johnston (70th district), Lacock, Laing, Lingo, Miller, Moore, McCulloch, Orem, Rogers (54th district), Saunders, Smith, Snook, Sternberg, Stevens, Stone, Thoman, Throckmorton, Wakefield.

Gentlemen voting in the negative were—

Messrs. Alford, Barnes (21st dist.), Barnes (8th dist.), Batsell, Bottom, Buck, Campbell, Cummings, Donaldson, Draper, Ellis, Fox, Frost, Fullington, Glick, Grover, Hersey, Hidden, Hutchins, Jones, Kenner, McBride, Pickering, Reynolds, Saqui, Stratton, Taylor, Trower, Twombly, Walker, Williams (9th district), Williams (18th district), Wood.

On motion, the House adjourned.

## MORNING SESSION.

WEDNESDAY, JAN. 27, 1864, 10 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentee—Mr. Kenner.

Mr. Laing was excused.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Grover presented petition of John Collins and others, praying for the passage [of an act] enabling school district No 1, of Potawatonic township, of Potawatonic county, to issue bonds.

Mr. Moore, from Committee on Corporations other than Banks, made the following report:

MR. SPEAKER—The Committee on Corporations other than Banks, to whom was referred bill No. 150, entitled "An act supplementary to an act entitled 'An act to incorporate cities of the State of Kansas,' approved March 4, 1862," has had the same under consideration, and directs me to report the same back to the House, and recommend its passage and that it be printed. GEO. A. MOORE,  
*Chairman.*

Mr. Hersey, from Committee on Fees and Salaries, made the following report:

MR. SPEAKER—Your committee, to whom was referred House bill No. 107, "An act to establish the salaries of State officers, the Justices of the Supreme Court, Judges of the District Court, and officers of the Legislature," have had the same under consideration, and beg leave to report the same back to the House, and recommend that it pass; also, that it be printed. T. P. HERSEY,  
*Chairman.*

Mr. Cobb, from Committee on Engrossed bills, made the following report:

MR. SPEAKER—The Committee on Engrossed Bills has examined

bill No. 10, entitled "An act for establishing a geological survey," and find the same correctly engrossed. DAVID R. COBB,

*Chairman.*

Mr. Brumbaugh, from Committee on Internal Improvements, made the following report:

Your committee have had under consideration, bill No. 91, "An act to provide for the building of bridges, by mortgaging the internal improvement lands," and recommend [that] the following be inserted in place of section 3 of said act:

That the land mortgaged in pursuance of this act shall not be sold at a rate less than one dollar and twenty-five cents per acre, and that it be printed.

J. D. BRUMBAUGH,

*Chairman.*

The following message was received from the Senate:

MR. SPEAKER—In conformity with the 17th joint rule, I respectfully inform the House of Representatives that the Senate has ordered that House concurrent resolution No. 2, relating to President Lincoln and his administration, be printed.

JOHN T. MORTON,

*Secretary.*

Message from the Senate:

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has adopted House concurrent resolution No. 6, directing the Secretary of State to furnish copy of that portion of the journal of the last House to contractor, which was destroyed in the raid upon Lawrence.

Also, that the Senate has passed bill No. 42, "An act making appropriation for the current legislative expenses for the year 1864," with two amendments, in which the concurrence of the House is respectfully requested.

JOHN T. MORTON,

*Secretary.*

Senate amendment to bill 42:

1. Strike out from the word "Provided," in line 12, section 1, to word "capital," in 14th line, inclusive.
2. Insert, at end of 11th, the words "for Chaplain of the Senate and House, three hundred dollars."
3. Strike out "for stationery for Legislature, six hundred dollars."

On motion, the House refused to concur in the first amendment of the Senate to bill No. 42.

On motion, the House concurred in the second and third amendments of the Senate to bill No. 42.

Mr. Moore, from Committee on Corporations other than Banks, made the following report:

MR. SPEAKER—The Committee on Corporations other than Banks, to whom was referred bill No. 126, entitled "An act for the preservation of bridges," has had the same under consideration, and direct me to report it back to the House, and recommend its passage; also recommend that it be printed.

GEORGE A. MOORE,  
Chairman.

House concurrent resolution No. 7, relating to Pacific railroad, was taken up, and on motion of Mr. Wood, was referred to select committee, consisting of Messrs. Wood, Eskridge, Ellis, Saunders and Emery.

House concurrent resolution No. 10, memorializing Congress to grant land in lieu of the 16th and 36th sections, sold by the United States as trust lands for the benefit of certain Indian tribes, was adopted.

Concurrent resolution No. 11, memorial of the Legislature of the State of Kansas, asking Congress to pay for the losses of the citizens of Kansas, by the invasions in the years 1855, 1856 and 1857, was taken up and adopted.

Mr. Grover introduced House bill No. 166, entitled "An act to authorize certain school district in Potawatomi to issue bonds."

Read the first time.

House joint resolution No. 4, to amend the Constitution of the State of Kansas, was read the second time, and

Referred to the Committee on Judiciary.

House bill No. 154, "An act relating to costs in criminal cases," was read the second time, and

Referred to the Committee on Judiciary.

House bill No. 155, "An act supplemental to an act entitled 'An act to regulate elections and to prescribe qualifications of electors, to prevent illegal voting,' approved June 3, 1861, to enable electors

of Kansas, absent from the townships or wards of which they are residents, in the military service of the United States, to exercise the rights of suffrage," was read the second time, and

Referred to the Committee on Elections.

House bill No. 156, "An act to amend an act entitled 'An act relating to grist mills and millers,'" was read the second time, and

Referred to the Committee on Agriculture.

House bill No. 157, "An act detaching the counties of Butler, Irving and Otoe from the county of Lyon, and attaching the same to the county of Chase, for judicial purposes," was read the second time, and

Referred to the Committee on County Seats and County Lines.

House bill No. 158, "An act to establish, locate and provide for a house of refuge for the State of Kansas," was read the second time, and

Referred to Committee on Public Institutions.

House bill 159, "An act for the punishment of a certain crime," was read the second time, and

Referred to the Committee on Judiciary.

House bill No. 160, "An act to authorize the county of Wyandotte to subscribe stock in the Union Pacific Railway Company, Eastern Division," was read the second time, and

Referred to the Committee on Corporations other than Banks.

House bill No. 161, "An act to authorize railroad companies to build bridges and maintain ferries across the Missouri river," was read the second time, and

Referred to the Committee on Corporations other than Banks.

House bill No. 162, "An act to preserve the purity of elections," was read the second time, and

Referred to the Committee on Elections.

House bill No. 163, "An act to provide for the redemption of real estate sold under execution, order of sale or other final process," was read the second time, and

Referred to the Committee on Judiciary.

House bill No. 164, "An act to abolish grand juries, and to provide for the trial of offenses upon information," was read the second time, and

Referred to Committee on Judiciary.

On motion of Mr. Rogers,

House bill No. 93 was ordered to be printed.

House bill No. 54, "An act to detach the counties of Dickinson, Saline and Ottawa from the county of Davis; to attach the counties of Dickinson and Ottawa to the county of Saline; to establish a district court in Saline county, and providing for transcribing the records of the district court of Davis county, pertaining to the counties of Dickinson, Saline and Ottawa, was read the third time.

The question being, Shall the bill pass?

And the ayes and noes being called, resulted as follows:

Ayes, 81; noes, 34.

Gentlemen voting in the affirmative were—

Messrs. Batsell, Bottom, Bradley, Campbell, Cavender, Cobb, Cummings, Drenning, Ellis, Emery, Eskridge, Forman, Fox, Freeland, Glick, Hollinberg, Hutchins, Irwin, Johnson (1st district), Johnston (70th district), Lingo, McBride, McCulloch, Orem, Reynolds, Sternberg, Stephens, Stone, Taylor, Wakefield, Wood.

Gentlemen voting in the negative were—

Messrs. Alford, Ayers, Belding, Brumbaugh, Buck, Camp, Chestnut, Craig, Donaldson, Draper, Evans, Fleming, Frost, Fullington, Grover, Hawks, Hersey, Hidden, Jones, Kenner, Lacock, Moore, Pickering, Rogers (54th district), Rogers (60th district), Saunders, Smith, Snook, Thoman, Throckmorton, Tröwer, Twombly, Williams (9th district), Williams (18th district).

A constitutional majority not having voted in favor of the passage of the bill, so the bill did not pass.

House bill No. 10, "An act to establish a geological survey," was read the third time.

The question being, Shall the bill pass?

The ayes and noes being called, resulted as follows:

Ayes, 48; noes, 20.

Gentlemen voting in the affirmative were—

Messrs. Alford, Ayers, Bottom, Brumbaugh, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Fox, Freeland, Frost, Fullington, Grover, Hawks, Hersey, Hidden, Hollinberg, Irwin, Johnston (70th district), Jones, Kenner, Lingo, Miller, Moore, McBride, McCulloch, Reynolds, Rogers (60th district), Saunders, Smith, Snook,

Sternberg, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Wood.

Gentlemen voting in the negative were—

Messrs. Barnes (21st district), Belding, Betts, Bradley, Buck, Frank, Fleming, Korman, Glick, Hutchins, Johnson (1st district), Jacoby, Oram, Pickering, Rogers (54th district), Stephens, Stone, Walberg, Williams (9th district), Williams (18th district).

A constitutional majority having voted in favor of the bill,

So the bill passed;

The title agreed to.

The House resolved itself into Committee of the Whole for the consideration of bills No. 29, 59, 60, 45 and 66; Mr. Campbell in the chair. After some time spent therein, the committee arose, and through their Chairman reported back bills No. 29 and 59, and recommended their passage. Also bills No. 60, 45 and 66, and ask leave to sit again.

On motion, the House adjourned.

AFTERNOON SESSION.

2 o'clock, P. M.

House called to order.

Speaker in the chair.

Quorum present.

The House resolved itself into Committee of the Whole on unfinished business, Mr. Campbell in the chair. After some time spent therein, the committee arose, and through their Chairman reported back bill No. 60, and recommended the enacting clause attached.



Also, bill 45, without recommendation. Also, bill 66, and recommend its passage.

House resolved itself into Committee of the Whole for the consideration of bills No. 68, 69, 70, 81 and 36, Mr. Ellis in the chair. After some time spent therein, the Committee arose, and through their Chairman reported back bill No. 68, without recommendation. Also, bill No. 69, and recommend the enacting clause be stricken out. Also, bill 70, and recommend its passage. Also, bill 81, and recommend its passage. Also, bill No. 36, and recommend its passage.

Report of Committee agreed to.

Mr. Forman, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER—The Committee on Enrolled Bills have examined House bill No. 30, entitled "An act supplemental to an act entitled 'An act to amend and consolidate the several acts relating to the city of Lawrence,' approved February 27, 1860," and find the same correctly enrolled.

J. W. FORMAN,  
Chairman.

The House resolved itself into Committee of the Whole for the consideration of bills No. 49, 74, 77, 78 and 79, Mr. Ellis in the chair. After some time spent therein, the Committee arose and through their Chairman reported back bill No. 49, and recommended its passage. Also, bill No. 74, and recommend the enacting clause be stricken out. Also, bill No. 77, and recommend the enacting [clause] be stricken out, and also bill No. 78, and recommend the enacting clause be stricken out, and also bill No. 79, and recommend the enacting clause be stricken out.

Report of the Committee agreed to.

The House resolved itself into Committee of the Whole for the consideration of bills No. 82, 85, 90, 94, and 97, Mr. McBRIDE in the chair. After some time spent therein, the Committee arose and through their Chairman reported back bill No. 82, and recommended its passage, and report progress on bills No. 85, 90, 94 and 97, and ask leave to sit again.

Report of Committee agreed to.

Mr. Saunders offered the following resolution, which was adopted:

Resolved, That the use of this hall be had by the friends of negro

suffrage, for the purpose of addressing the members of both branches of the Legislature upon that subject, next Friday evening.

On motion the House adjourned.

### MORNING SESSION.

THURSDAY, JANUARY 28, 1864, 10 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Brumbaugh, Hersey and Johnson 1st district.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Lacock presented petition of C. Robinson, and others, praying for a change in the Constitution.

Referred to the Committee on Election.

Mr. Williams presented petition of the Mayor, Councilmen and others, of the city of Atchison, for the passage of an act authorizing incorporate cities to levy a tax for certain purposes.

Referred to Committee on Corporations other than Banks.

By consent, House bill No. 64 was ordered to be printed.

Mr. Williams presented petition of John Kean and others, to have a certain road legalized as a State road.

Referred to Committee on Roads and Highways.

The following special message was received from the Governor, and referred to the Committee on Militia:

STATE OF KANSAS, EXECUTIVE OFFICE, }  
January 27, 1864. }

*Gentlemen of the Senate and House of Representatives :*

I transmit, herewith, two petitions, signed by a great number of the citizens of Lawrence and vicinity, praying for the formation of a battalion of State troops for the protection of that section of the State..

These petitions set forth that the terrible calamity which befell that city in August has made the fear of a recurrence of such a disaster so prevalent as to prevent the investment of capital, and paralyze the growth of the town and the improvement of the country; that the Federal troops stationed there are, in number, wholly inadequate to the protection of the city and vicinity, and that whatever expense may be incurred in this object will doubtless be reimbursed by the Federal Government.

The law of this State gives to the Commander-in-Chief the power to call the militia into active service in certain cases; but as it devolves upon the Legislature to provide the means for maintenance of such forces, I have thought proper to consult you upon the subject.

I have had a full conversation with Major General Curtis, commanding this department, and he assures me that he will gladly co-operate in any measure for the defense of the State, and the protection of its citizens.

The Federal Government will arm and subsist such forces of the State as may be called into active service; and the commander of the department will strongly urge, and feels assured that whatever sum may be expended for their payment shall be reimbursed.

I am personally acquainted with the feeling that is prevalent in Lawrence and its vicinity, and know that the statements set forth in these petitions are entitled to full credence. The calamity which befell that city has shocked the civilized world. We shall stand convicted of remissness of duty if by means of our neglect, such scenes shall be re-enacted.

I am aware that no measures can be instituted for our protection and security without expense.

The burden of this war has increased the expenses of every loyal

State, except Kansas, four-fold. It is one of the fearful results of the rebellion that the war for its suppression will entail increased pecuniary obligations upon posterity.

A State, like an individual, must adapt itself to the circumstances which surround it.

If our soil is threatened or invaded; if our citizens are murdered and their property destroyed, it is the duty of the State to take such steps as will effectually prevent a repetition of such outrages. Would any amount of taxation that would have averted the catastrophe at Lawrence, have been deemed burdensome? Would any action that would have afforded complete protection for life and property upon the border have been considered unwise or unwarrantable? The State owes such protection to its citizens. They have a right to demand it.

To make life and property secure should be your first, your highest duty. Without that no property can be enjoyed. No increase of population and wealth can be expected.

The calls upon me for aid in this direction during the past year were pregnant and pressing. No means were at hand. I assumed the responsibility of such action as was taken, impelled thereto by a high sense of public duty and official obligation. I felt confident that the representatives of the people would cheerfully indorse whatever measures the public safety demanded.

I trust that the Executive will not be left powerless for the present year.

I suggest that the Legislature shall fix some rate of payment for troops in actual service.

It may well be doubted whether the General Government, in reimbursing the State for its expenditures, will allow a larger remuneration to the troops than is paid to its soldiers.

I invoke your earnest attention to this whole subject, in order that before you adjourn you will place means at my disposal to effectually defend and protect the State.

THOS. CARNEY.

On motion of Mr. Freeland, 500 copies of the special message of the Governor, were ordered to be printed for the use of the House.

Mr. Saunders, from Committee on Judiciary, made the following report:

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 84, "An act to change the terms of the district court in the third judicial district," and instruct me to report the same back to the House, and recommend that it be printed and its passage.

W. R. SAUNDERS,

*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 154, "An act in relation to certain criminal cases," and instruct me to report the same back and recommend its passage.

W. R. SAUNDERS,

*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration House bill 159, "An act for the punishment of a certain crime," and instruct me to report the same back to the House, and recommend its rejection.

W. R. SAUNDERS,

*Chairman.*

MR. SPEAKER—Your Committee on Judiciary have had under consideration House bill No. 149, "An act for the relief of M. G. Farnum," and instruct me to report the same back to the House, and recommend that there be inserted in the blank after the words "that the sum of," in the first line of the first section, the words "five hundred and sixty-one dollars, and thirty-three cents," and its passage as thus amended.

W. R. SAUNDERS,

*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 164, "An act to abolish grand juries and to provide for trial of offenses upon information," and have instructed me to report the same back to the House with the recommendation that it be printed for the consideration of the House.

W. R. SAUNDERS,

*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 163, "An act to provide for the redemption of real estate sold under execution, order of sale, or other final process," and instruct me to report the same back to the House, and recommend its rejection.

W. R. SAUNDERS,

*Chairman.*

**MR. SPEAKER**—The Judiciary Committee have had under consideration House bill No. 80, "An act to amend an act entitled 'An act to restrain dram shops and taverns, and to regulate the sale of intoxicating liquors;'" No. 88, "An act to repeal section 15 of an act to restrain dram shops and taverns, and regulate the sale of intoxicating drinks;" No. 104, "An act to restrain the sale of intoxicating liquors," and No. 112, "An act to prohibit the sale of intoxicating liquors on the Sabbath day," and instruct me to report them back to the House with the accompanying substitute, and recommend the printing and passage of the substitute.

W. R. SAUNDERS,

*Chairman.*

**MR. SPEAKER**—The Judiciary Committee have had under consideration House joint resolution No. 4, to amend the Constitution of the State of Kansas, and instruct me to report the same back to the House, recommending its rejection.

W. R. SAUNDERS,

*Chairman.*

Mr. Smith, from Committee on Education, made the following report:

**MR. SPEAKER**—The Committee on Education have had under consideration bills No. 125 and 128, relating to the State Agricultural College and State Normal School, and instruct me to report the same back and recommend the accompanying substitute be passed and printed, and that the original shall not be printed.

JAS. N. SMITH,

*Chairman.*

Mr. Rogers, from Committee on Public Institutions, made the following report:

**MR. SPEAKER**—Your committee, to whom was referred House bill No. 158, an act entitled "An act to establish, locate and provide for a house of refuge for the State of Kansas," have had the same under consideration and instruct me to report the same back to the House, and recommend that it pass and be printed.

D. ROGERS,

*Chairman.*

Mr. Ayers, from Committee on Roads and Highways, made the following report:

MR. SPEAKER—Your Committee on Roads and Highways, to whom was referred by resolution the revision of the general road law, have had the same under consideration, and instruct me to report the accompanying bill, and recommend that it be printed and that it pass.

S. AYERS,

*Chairman.*

Mr. Glick, from Committee on County Seats and County Lines, made the following report:

MR. SPEAKER—Your committee to whom was referred bill No. 157, entitled "An act detaching the counties of Butler, Irving and Otes from the county of Lyon, and attaching the same to the county of Chase, for Judicial purposes," report the same back and recommend its passage.

G. W. GLICK,

*Chairman.*

MR. SPEAKER—The Committee on Ways and Means have had under consideration bill No. 26, "An act relating to county finances," and direct me to report the same back to the House, and recommend that it be printed.

JNO. P. JOHNSON,

*Chairman.*

MR. SPEAKER—The Committee on Corporations other than Banks, to whom was referred bill No. 130, entitled "An act incorporating towns and villages, approved February 1, 1859," have had the same under consideration, and direct me to report it back to the House, and recommend its passage and that it be printed.

GEO. A. MOORE,

*Chairman.*

Mr. Barnes, from Committee on Agriculture, made the following report:

The committee to whom was referred bill No. 152, have had the same under consideration and advise me to report the same back—say that, although in many respects it is superior to the law which it repeals, in other points it is inferior to it, and therefore recommend its rejection.

ASA BARNES,

*Chairman.*

MR. SPEAKER—The Committee on Agriculture, to whom was referred bill 144, entitled "An act for the preservation of game,"

have had the same under consideration, and recommend its adoption and that it be printed. *ASA BARNES, Chairman.*  
**MR. SPEAKER**—The Committee on Agriculture, to whom was referred bill No. 92, an act entitled "An act to protect the citizens of Linn [county] against the depredations of stock," have had the same under consideration, and report it back to the House and recommend its rejection. *ASA BARNES, Chairman.*

**MR. SPEAKER**—The Committee on Agriculture, to whom was referred bill No. 189, "An act to encourage the growth of sheep," have had the same under consideration, and report it back to the House, and recommend its rejection. *ASA BARNES, Chairman.*

The following message was received from the Senate:

**MR. SPEAKER**—I am instructed by the Senate to inform the House of Representatives that the Senate has adopted Senate concurrent resolution No. 8, to obtain a grant of land for Olathe college, in which the concurrence of the House of Representatives is respectfully requested.

Also, that the Senate has rejected bill No. 82, "An act to regulate the city of Fort Scott." *JOHN T. MORTON, Secretary.*

House concurred in Senate concurrent resolution No. 8, in reference to obtaining a grant of land for Olathe college.

The following message was received from the Senate:

**MR. SPEAKER**—I am instructed by the Senate to inform the House of Representatives that the Senate has adopted Senate concurrent resolution No. 10, memorializing the President of the United States to attach the two western tiers of counties of Missouri to the military department of Gen. Curtis.

*JOHN T. MORTON, Secretary.*

The House concurred in Senate concurrent resolution No. 10, in reference to memorializing the President of the United States to attach the two western tiers of counties in Missouri, to the military department of Gen. Curtis.



The following message was received from the Senate:  
 MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate insist on their amendment to bill No. 42, "An act making appropriation for the current legislative expenses for the year 1864," and respectfully request the further consideration of the House thereon.

—JOHN T. MORTON, Secretary.

The House still refusing to concur in Senate amendment to bill No. 42, it was, on motion of Mr. Wood, referred to a committee of Conference, consisting of the following gentlemen:

Messrs. Wood, Stratton and Bottom.

Mr. Brumbaugh offered the following resolution, which was adopted:

*Resolved by the House, (the Senate concurring therein), That a committee of three be appointed on the part of the House, to act with a committee of two on the part of the Senate, to revise and report a bill to regulate the fees of district, county and township officers.*

Mr. Reynolds introduced House bill No. 166, entitled "An act to vacate certain streets and alleys."

Read the first time.

Mr. Cobb introduced House bill No. 167, entitled "An act to authorize the State Auditor to credit Bourbon county with tax."

Read the first time.

House bill No. 165, "An act to authorize a certain school district in Potawatomi county to issue bonds," was read the second time, and

Referred to Committee on Education.

House bill No. 29, "An act to abolish township elections," was read the third time.

The question being, Shall the bill pass?

The ayes and noes being called, the vote resulted as follows:

Ayes, 58; noes, 11.

Gentlemen voting in the affirmative were—

Messrs. Alford, Ayers, Barnes, (8th), Barnes, (21st), Belding, Betzell, Bottom, Bradley, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Ellis,

Emery, Eskridge, Evans, Fleming, Fox, Freeland, Frost, Fullington, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Johnson (1st), Lacock, Lingo, Miller, Moore, McBride, McCulloch, Orem, Reynolds, Rogers. (54th), Saqui, Snook, Sternberg, Stephens, Stone, Stratton, Thoman, Trower, Twombly, Wakefield, Williams (18th), Wood.

Gentlemen voting in the negative were—

Messrs. Glick, Johnston (70th), Jones, Kenner, Pickering, Rogers (60th), Smith, Taylor, Throckmorton, Walker, Williams (9th).

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Mr. Cobb, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER—The Committee on Engrossed Bills have examined bill No. 59, "An act to amend an act entitled 'An act prescribing the duties of the Reporter of the Supreme Court,'" and bill No. 66, "An act to authorize the board of county commissioners of Shawnee county to issue bonds for the purpose of building a bridge across the Kansas river," and find the same correctly engrossed.

DAVID R. COBB;

*Chairman.*

House bill No. 59, "An act to amend an act entitled 'An act prescribing the duties of the Reporter of the Supreme Court,'" was read the third time.

The question being, Shall the bill pass?

The ayes and noes being called, the vote resulted as follows:

Ayes, 66; noes, 1.

Gentlemen voting in the affirmative were—

Messrs. Alford, Ayers, Barnes (8th dist.), Barnes (21st dist.), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnston (70th), Jones, Kenner, Lingo, Miller, Moore, McBride, McCulloch, Orem, Rogers (54th dist.),

Rogers (60th dist.), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th dist.), Williams (18th dist.), Wood.

Mr. Pickering voted in the negative.

A constitutional majority having voted in favor of the passage of the bill,

And so the bill passed, and

The title was agreed to.

House bill No. 66, "An act to authorize the board of commissioners of Shawnee county to issue bonds for the purpose of building a bridge across the Kansas river," was read the third time.

The question being called, the vote resulted as follows:

Ayes, 35; noes, 35.

Gentlemen voting in the affirmative were—

Messrs. Alford, Barnes (21st), Cummings, Camp, Drenning, Ellis, Emery, Ekridge, Forman, Freeland, Fullington, Glick, Gruver, Hawks, Hersey, Hidden, Hutchins, Johnston (70th), Kenner, Laddock, Lingo, Miller, Moore, Orem, Pickering, Rogers (60th), Saqui, Stratton, Taylor, Throckmorton, Trower, Twombly, Wakefield, Williams (9th), Wood.

Gentlemen voting in the negative were—

Messrs. Ayers, Barnes (8th), Belding, Batsell, Bottom, Bradley, Buck, Campbell, Cavender, Chestnut, Craig, Cobb, Donaldson, Draper, Evans, Fleming, Fox, Frost, Houts, Irwin, Jones, McBride, McCulloch, Reynolds, Rogers (54th), Saunders, Smith, Snook, Sternberg, Stevens, Stone, Thoman, Walker, Williams (18th).

So the bill did not pass.

On motion of Mr. Glick,

The vote by which bill No. 66 was lost, was reconsidered.

A call of the House was demanded, and the Sergeant-at-Arms requested to bring in absentees.

Sergeant-at-Arms returned with Johnson (1st district) and Holmberg.

On motion, further proceedings under the call were dispensed with.

House bill No. 66, "An act to authorize the board of county

commissioners of Shawnee county to issue bonds for the purpose of building a bridge across the Kansas river," was read the third time. The question being, Shall the bill pass?

The ayes and noes being called, the vote resulted as follows:  
Ayes, 40; noes, 30.

Gentlemen voting in the affirmative were—

Messrs. Alford, Barnes (8th), Barnes (21st), Camp, Craig, Cobb, Cummings, Donaldson, Drenning, Ellis, Emery, Eskridge, Forman, Freeland, Fullington, Glick, Grover, Hawks, Henry, Hadden, Hollenberg, Hutchins, Johnson (70th), Kenner, Lacombe, Lingo, Miller, Moore, Orem, Pickering, Reynolds, Rogers (80th), Sacqui, Taylor, Throckmorton, Trever, Twombly, Wakefield, Walker, Williams (9th), Williams (16th), Wood.

Gentlemen voting in the negative were—

Messrs. Ayers, Belding, Bassell, Bottom, Bradley, Brumbaugh, Buck, Campbell, Cavender, Chestnut, Draper, Evans, Fleming, Frost, Fox, Houts, Irwin, Johnson (1st), Jones, McBride, McCulloch, Rogers (54th), Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Thomas.

And so the bill passed, and it was so ordered.

The title was agreed to.

Mr. Forman, from the Committee on Enrolled Bills, made the following report:

Mr. Speaker—The Committee on Enrolled Bills ask leave to report that Bill No. 30, entitled "An act supplemental to an act entitled 'An act to amend and consolidate the several acts in relation to the city of Lawrence,' approved February 27, 1860," was placed in the hands of the Governor for his consideration, on the 28th day of January, 1864.

JOHN W. FORMAN,

Chairman.

House bill No. 79; "An act to amend an act to incorporate the city of Marysville," was read the third time. The question being, Shall the bill pass?

The ayes and noes being called, resulted as follows:

Ayes, 66; noes, 3.

Gentlemen voting in the affirmative were—

Messrs. Alford, Ayers, Belding, Bottom, Bradley, Brumbaugh,

Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Evans, Forman, Fox, Freeland, Frost, Fullington, Hawks, Hersey, Hidden, Hollinberg, Hutchins, Johnson (1st), Johnston (70th), Jones, Kenner, Lacock, Lingo, Miller, Moore, McBride, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Gentlemen voting nay were—

Messrs. Barnes (8th), Barnes (21st), Batsell.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House bill No. 82, an act to authorize the State Treasurer to credit Wyandotte county with tax, was read the third time.

The question being, Shall the bill now pass? and the ayes and noes being called, resulted as follows:

Ayes, 57; nays, 3.

Gentlemen voting in the affirmative were—

Messrs. Alford, Ayers, Barnes (8th) Belding, Batsell, Bottom, Bradley, Buck, Camp, Campbell, Chestnut, Craig, Cobb, Cummings, Donaldson, Ellis, Eskridge, Evans, Forman, Fox, Freeland, Frost, Fullington, Glick, Hawks, Hersey, Hidden, Hollinberg, Hutchins, Houts, Johnson (1st), Jones, Kenner, Lacock, Lingo, Miller, McBride, McCulloch, Orem, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Thoman, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Gentlemen voting in the negative were—

Messrs. Brumbaugh, Cavender, Draper.

A constitutional majority having voted in favor of the passage of the bill,

And so the bill passed, and

The title was agreed to

House bill No. 81, "An act to amend an act entitled 'An act to

incorporate cities of the State of Kansas, approved March 4, 1862," was read the third time.

The question being, Shall the bill pass?

The ayes and noes being called, the vote resulted as follows:

Ayes, 68; noes, 1.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th), Jones, Kenner, Lacock, Lingo, Miller, Moore, McBride, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Thoman, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Mr. Taylor voted in the negative.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed, and

The title was agreed to.

House bill No. 36, an act to accept a grant of lands made to the State of Kansas by the Congress of the United States, to aid in the construction of certain railroads and telegraphs in said State, and to apply the same to the construction of such roads and telegraphs, was read the third time.

The question being, Shall the bill pass?

The ayes and noes being called, resulted as follows:

Ayes, 68; nays, 0.

Gentlemen voting in the affirmative were—

Messrs. Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th), Jones, Kenner,

Lacock, Laing, Miller, McBride, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed, and

The title was agreed to.

House bill No. 69, an act to amend an act entitled "An act to incorporate the Southern Kansas Pacific Railroad Company," was read the third time.

The question being, Shall the bill pass?

The ayes and noes being called, resulted as follows:

Ayes, 58; noes, 4.

Gentlemen voting in the affirmative were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bradley, Brumbaugh, Buck, Camp, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Jones, Kenner, Lacock, Lingo, Miller, McBride, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Saqui, Saunders, Smith, Snook, Stephens, Stone, Taylor, Thoman, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed, and

The title agreed to.

Mr. Cobb, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER—The Committee on Engrossed Bills have examined bill No. 29, an act to abolish township elections, and bill No. 82, an act to authorize the State Treasurer to credit Wyandotte county with tax, and find the same correctly engrossed.

DAVID R. COBB,

*Chairman.*

Mr. Wood, chairman of special committee on Pacific Railroad, made the following report:

MR. SPEAKER—The special committee to whom was referred House concurrent resolution No. 7, relating to Pacific Railroad, have had the same under consideration, and instruct me to report the two following concurrent resolutions as substitutes, without recommendation:

1st. House concurrent resolution No. 7, relating to Pacific Railroad.

2d. House concurrent resolution No. —, asking Congress for a grant of land for the Osage and Cottonwood Valley Railroad.

S. N. WOOD,  
*Chairman.*

Mrs. Mollie Leonard was appointed Assistant Engrossing Clerk.  
On motion the House adjourned.

#### AFTERNOON SESSION.

Speaker in the chair.

Quorum present.

On motion of Mr. Taylor,

Bill No. 73 was made a special order for Wednesday next.

House resolved itself into Committee of the Whole for the consideration of bill No. 1, which was made special order for to-day, Mr. Camp in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back bill No. 1, and recommended its passage.

Report agreed to.

The House resolved itself into Committee of the Whole on unfinished business, Mr. McBride in the chair.



After some time spent therein, the committee arose, and, through their chairman, reported back bill No. 85, and recommended its passage.

Also, bill No. 90, and recommended [that] the enacting clause be stricken out.

Also, bill No. 94, and recommended its passage as amended.

The report of the committee was agreed to.

By consent, Mr. Camp introduced bill No. 171, entitled "An act to amend an act entitled 'An act relating to counties and county officers.'"

Read the first time.

On motion, the House adjourned.

# MORNING SESSION.

FRIDAY, JANUARY 29, 1864, 10 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Rev. McVicar.

Mr. Saqui presented the petition of Thomas Murphey and others, protesting against the passage of bill No. 64.

Referred to Committee on Ways and Means.

Mr. Draper presented the petition of James Berton and others, for the vacation of certain streets and alleys in the town of Clinton.

Referred to Committee on Corporations.

Mr. Chestnut presented the petition of the citizens of the township of Osawatomie, praying for a change in the constitution.

Referred to Committee on Elections.

Mr. Reynolds presented the petition of Henry Barricklow and others, for vacating certain streets and alleys, and convey to a school district a certain park for school purposes.

Referred to Committee on Education.

Mr. Smith, from the Committee on Education, made the following report :

MR. SPEAKER—The Committee on Education, to whom was referred bill No. 2, have had the same under consideration, and instruct me to report the same back to the House with the recommendation that it pass and be printed.

Mr. Ayers, from Committee on Roads and Highways, made the following report :

MR. SPEAKER—The Committee on Roads and Highways have had under consideration House bills Nos. 7, 8, 16, 17, 18, 38, 39, 44, 46, 53, 56, 58, 72, 75, 89, 103, 119, 121, 143, 146 and 147, providing for the location and establishment of certain State roads, and instruct me to report them back to the House with the accompanying substitute providing for the same, and certain other roads, and recommend the passage of the substitute.

S. AYERS,

*Chairman.*

Mr. Reynolds, from Committee on Counties, made the following report :

MR. SPEAKER—The Committee on Counties have had under consideration bill No. 137, entitled "An act relating to county improvements, and direct me to report the same back to the House and recommend that it pass.

C. REYNOLDS,

*Chairman.*

Mr. Johnson, from Committee on Ways and Means, made the following report :

MR. SPEAKER—Your Committee, to whom was referred bill No. 51, "An act to amend an act supplemental to an act to provide for the assessment and collection of taxes," have had the same under consideration, and instruct me to report the same back to the House with the recommendation that it do not pass.

JNO. P. JOHNSON,

*Chairman.*

Mr. Moore, from Committee on Corporations, made the following report:

MR. SPEAKER—The Committee on Corporations other than Banks, to whom was referred bill No. 157, entitled "An act to authorize the organization of companies for local police purposes," have had the same under consideration, and direct me to report the same back to the House, and recommend that it be printed.

GEO. A. MOORE,

*Chairman.*

By consent, Mr. Bottom withdrew bills Nos. 160 and 161.

Mr. Cobb, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER—The Committee on Engrossed Bills has examined bill No. 1, an act relating to the records and proceedings in Douglas county, and bill No. 85, an act giving certain powers to board of County Commissioners of Douglas county, and find the same correctly engrossed.

DAVID R. COBB,

*Chairman.*

Mr. Forman, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER—The Committee on Enrolled Bills have examined bill No. 3, entitled "An act to authorize certain State officers to administer oaths," and bill No. 6, entitled "An act respecting the duties of county and township officers," and find the same correctly enrolled.

JOHN W. FORMAN,

*Chairman.*

Mr. Glick, from Committee on County Seats and County Lines, made the following report:

MR. SPEAKER—Your committee, to whom was referred bill No. 34, entitled "An act to establish the eastern boundary of Morris county," beg leave to report back the petition of W. H. Reese and others, asking for the passage of said bill, without recommendation.

G. W. GLICK,

*Chairman.*

Mr. Lacock, from Committee on Claims, made the following report:

MR. SPEAKER—Your Committee on Claims beg leave to make the following report:

They have had under consideration the following claims, to wit: Geo. H. Hillyer, for \$17.00, be not allowed. The claim of Robert Parham be rejected. The claim of Woods & Abernathy, for \$118.50, be allowed.

Your committee would respectfully request that the claims of printers, for publishing militia orders, be referred to Committee on Ways and Means.

[SEAL.]

IRA J. LACOCK,

*Chairman.*

Mr. Smith, from Committee on Education, made the following report:

MR. SPEAKER—The Committee on Education have had under consideration that portion of the Governor's message relating to the donation of \$5,000 by the people of Lawrence, for the State University fund; and, instruct me to report a recommendation that the same be refunded to the donors, and that the Committee on Ways and Means be instructed to provide in the general appropriation bill for the payment of the same. J. H. SMITH,

*Chairman.*

Mr. Barnes, from Committee on Agriculture, made the following report:

MR. SPEAKER—Your Committee on Agriculture, to whom was referred bill No. 140, "An act to encourage the cultivation of fruit, ornamental and forest trees," have had the same under consideration, and report it back to the House and recommend that it do not pass. ASA BARNES.

*Chairman.*

Mr. Grover, from Committee on Elections, made the following report:

MR. SPEAKER:—The Committee on Elections, to whom was referred House bill No. 155, an act supplemental to an act entitled "An act to regulate elections and to prescribe the qualifications of electors to prevent illegal voting, approved June 3, 1861, to enable electors of Kansas, absent from the townships or wards of which they are residents, in the military service of the United States, to exercise the right of suffrage," have had the same under consideration, and instruct me to report the same back to the House without

recommendation, but recommend that it be printed for the use of the House.

O. J. GROVER,

*Chairman.*

MR. SPEAKER—The Committee on Elections, to whom was referred House bill No. 162, "An act to preserve the purity of elections," have had the same under consideration, and consider any further legislation upon that subject unnecessary. They further instruct me to report this bill back to the House and recommend its rejection.

O. J. GROVER,

*Chairman.*

The following message was received from the Senate:

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has passed bill No. 3, an act authorizing certain State officers to administer oaths,

Also, Bill No. 6, an act to repeal an act respecting the duties of county and township officers.

Also, that the Senate has adopted Senate joint resolution No. 6, granting the right of way for a railroad from Fort Leavenworth to Fort Scott, and to obtain a grant of land for the same, in which the concurrence of the House is respectfully requested.

JOHN T. MORTON,

*Secretary.*

Senate joint resolution No. 6, relative to a railroad from Fort Leavenworth to Fort Scott, was read the first time.

The following message was received from the Senate:

MR. SPEAKER—I am instructed by the Senate to notify the House of Representatives that the Senate has adopted House concurrent resolution No. 3, having reference to the continuation of the Hannibal and St. Joseph Railroad west.

JOHN T. MORTON,

*Secretary.*

*Resolved by the House of Representatives, (the Senate concurring),* That the consent of the Kansas Legislature is hereby granted to the Hannibal and St. Joseph Railroad Company to construct a railroad west from St. Joseph, Missouri, to connect with the main trunk of the Pacific railroad, or any branch thereof, in accordance with the provisions in section thirteen (13) of an act of Congress entitled

"An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the government the use of the same for postal, military and other purposes:" *Provided*, that the consent hereby given is with the express understanding that one hundred and twenty-five (125) miles of said road shall be constructed within the State of Kansas.

By consent, Mr. Wood offered the following resolution, which was adopted :

*Resolved*, That the Secretary of State be instructed to inform this House why the volume of public documents has not been furnished, as required by law and resolution.

By consent, bill No. 152 was ordered to be printed.

Concurrent resolution No. 7, relating to the Pacific Railroad, was taken up and adopted.

Concurrent resolution No. 13, asking Congress for a grant of land for the Osage and Cottonwood Valley Railroad, was taken up and adopted.

Mr. Twombly introduced House bill No. 173, entitled "An act regulating compromises of partners and joint debtors."

Read the first time.

Mr. Cavender introduced House bill No. 174, entitled "An act to locate a State road from Lawrence to Humbolt, *via* Ohio City, Garnett, Elizabethtown and Iola."

Read the first time.

Mr. Moore introduced House bill No. 175, entitled "An act to amend an act entitled 'An act incorporating cities of the State of Kansas,' approved March 4, 1862."

Read the first time.

On motion of Mr. Moore,

The rules were suspended, and bill No. 175, was read the second time, and

Referred to Committee on Corporations.

Mr. Saunders introduced House bill No. 176, "An act for the incorporation and regulation of railroad companies."

Read the first time, and

On motion of Mr. Glick,

The rules were suspended, and

Bill No. 176 was read the second time, and

Referred to Committee on Railroads.

Mr. Stephens introduced bill No. 177, entitled "An act to amend an act entitled 'An act exempting certain property from sale upon execution or other process,' approved February 7, 1859."

Read the first time.

Mr. Draper introduced bill No. 178, entitled "An act to vacate certain streets and alleys in the town of Clinton."

Read the first time.

House bill No. 166, "An act to vacate certain streets and alleys," was read the second time, and

Referred to Committee on Corporations other than Banks.

House bill No. 167, "An act to authorize the State Auditor to credit Bourbon county with tax," read the second time, and

Referred to the Committee on Judiciary.

House bill No. 171, "An act to amend an act entitled 'An act relating to counties and county officers,'" read the second time, and

Referred to Committee on Counties.

House bill No. 1, "An act relating to records and proceedings in Douglas county," was read the third time.

The question being, Shall the bill now pass? and the ayes and noes being called, resulted as follows:

Ayes, 66; noes, 0.

Gentlemen voting in the affirmative were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st) Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Donaldson, Draper, Drenning, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hersey, Hidden, Hollinberg, Hutchins, Johnson (1st), Johnston (70th), Jones, Kenner, Lacock, Lingo, Miller, Moore, McBride, McCulloch, Orem, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

A constitutional majority having voted in favor of the passage of the bill, so the bill passed, and

The title was agreed to.

House bill No. 85, "An act giving certain powers to board of

County Commissioners of Douglas county," was read the third time.

The question being, Shall the bill now pass? and the ayes and noes being called, resulted as follows:

Ayes, 35; noes, 26.

Gentlemen voting in the affirmative were—

Messrs. Alford, Belding, Bradley, Brumbaugh, Camp, Cavender, Cobb, Draper, Drenning, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Hawks, Hollinberg, Johnson (1st), Johnston (70th), Jones, Kenner, Lacock, Lingo, Miller, Moore, Reynolds, Rogers (54th), Saunders, Sternberg, Stephens, Stone, Taylor, Thomas, Throckmorton, Wood.

Gentlemen voting in the negative were—

Messrs. Ayers, Barnes (8th), Barnes (21st) Batsell, Bottom, Buck, Campbell, Chestnut, Craig, Donaldson, Frost, Grover, Hidden, Hutchins, McBride, McCulloch, Orem, Saqui, Smith, Snook, Stratton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th).

A constitutional majority not having voted in favor of the passage of the bill, so the bill did not pass.

Mr. Cobb, chairman of Committee on Engrossed Bills, made the following report:

MR. SPEAKER—The Committee on Engrossed Bills have examined bill No. 94, "An act to provide for the sale of school lands," and find the same correctly engrossed.

DAVID R. COBB.

*Chairman.*

House bill No. 94, "An act to provide for the sale of school lands," was read the third time.

The question being, Shall the bill now pass?

The ayes and noes being called, resulted as follows:

Ayes, 45; noes, 12.

Gentlemen voting in the affirmative were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Bradley, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Donaldson, Drenning, Ellis, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hersey, Hidden, Hollinberg, Hutchins, Johnson (1st), Johnston (70th), Jones, Kenner, Lacock, Lingo, Moore, McBride, McCulloch, Rogers



(54th), Saqui, Smith, Snook, Stevens, Stone, Stratton, Thoman, Throckmorton, Trower, Wakefield, Walker, Williams (9th), Wood  
Gentlemen voting in the negative were—

Messrs. Batsell, Bottom, Brumbaugh, Draper, Emery, Miller, Orem, Reynolds, Rogers (60th), Saunders, Sternberg, Taylor, Twombly.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

On motion, the House adjourned.

# AFTERNOON SESSION.

2 O'CLOCK, P. M.

Speaker in the chair.

Quorum present.

The House resolved itself into Committee of the Whole on unfinished business, Mr. McBride in the chair. After some time spent therein, the Committee arose, and through their chairman reported back bill No. 97, and recommend the enacting clause be stricken out.

Report agreed to.

By consent, bill No. 114 was made a special order for next Friday.

The House resolved itself into Committee of the Whole for the consideration of bills Nos. 34, 45, 61, 68 and 98, Mr. Moore in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back bill No. 34, and recommended that it be made a special order for next Friday; bill No. 61, and recommended the enacting clause be stricken out; bill No. 45, and recommended the enacting clause be stricken out.

Report of committee agreed to.

The following message was received from the Senate:

MR. SPEAKER—I would respectfully inform the House of Representatives that the Senate has ordered that Senate concurrent resolution No. 11, asking Congress to grant land for the construction of a railroad from Wyandotte, in the direction of Galveston bay, in Texas; also, bill No. 10, "An act for establishing a geological survey," be printed.

JOHN T. MORTON,

*Secretary.*

Mr. Wood moved to disagree to the report of committee, as far as relates to bill No. 45.

Pending the motion, the House adjourned.

### MORNING SESSION.

SATURDAY, JAN. 30, 1864, 10 o'clock, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Prayer by the chaplain, Rev. Mr. Parker.

Mr. Moore, from Committee on Corporations other than Banks, made the following report:

MR. SPEAKER—The Committee on Corporations other than Banks, to whom was referred bill No. 175, entitled "An act to amend an act entitled 'An act to incorporate cities of the State of Kansas,' approved March 4, 1862," has had the same under consideration, and direct me to report it back to the House, and recommend its passage, and that it be printed.

GEO. A. MOORE,

*Chairman.*

Mr. Smith, from the Committee on Education, made the following report:

MR. SPEAKER—The Committee on Education have had under consideration bill No. 145, entitled "An act to convey a certain park and public ground for school purposes," and instruct me to report the same back to the House and recommend that it pass.

JAMES N. SMITH,

*Chairman.*

MR. SPEAKER—The Committee on Education, to whom was referred bill No. 127, entitled "An act to authorize school districts in Allen county to issue bonds," have had the same under consideration and instruct me to report the same back and recommend that it pass.

JAMES N. SMITH,

*Chairman.*

MR. SPEAKER—The Committee on Education, to whom was referred bill No. 165, entitled "An act to authorize a certain school district in Potawatomie county to issue bonds," have had the same under consideration and instruct me to report the same back and recommend that it pass.

JAMES N. SMITH,

*Chairman.*

MR. SPEAKER—The Committee on Education have had under consideration the accompanying resolution, and instruct me to report the accompanying bill.

JAMES N. SMITH,

*Chairman.*

Mr. Wood, from special committee, made the following report:

MR. SPEAKER—Your special committee, to whom was referred House bill No. 54, "An act authorizing the issuing of bonds to build school houses," have had the same under consideration, and instruct me to report the same back and recommend that it pass with the following amendment, to wit: "That the bonds be not sold for less than 100 cents on the dollar, and that the interest be reduced to seven per cent."

S. N. WOOD,

*Chairman.*

The following communication was received from the Governor :

STATE OF KANSAS, EXECUTIVE DEPARTMENT, }  
TOPEKA, January 29, 1864. }

*To the House of Representatives :*

I have this day approved bill No. 3, "An act to authorize certain State officers to administer oaths."

Also, bill No. 30, "An act supplemental to an act entitled "An act to amend and consolidate the several acts relating to the city of Lawrence," approved February 20, 1860."

THOS. CARNEY.

The following message was received from the Senate:

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has adopted Senate concurrent resolution No. 6, to obtain a grant of land for a railroad from Lawrence, *via* Olathe, to Pleasant Hill, Mo., in which the concurrence of the House is respectfully requested.

Also, that the Senate has rejected bill No. 43, "An act limiting the power of county commissioners."

JOHN T. MORTON,

*Secretary of Senate.*

Senate joint resolution No. 6, relating to a railroad from Fort Leavenworth to Fort Scott, was taken up, and

Read the first time.

The following message was received from the Senate:

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate, in pursuance to the request of the House, has appointed Messrs. Brockway, Clark and Mason to act on the part of the Senate on the Committee of Conference on bill No. 42, "An act making appropriation for the current legislative expenses for the year 1864."

Also, that the Senate has concurred in House concurrent resolution No. 12, appointing a joint committee to revise and report a bill to regulate fees, and have appointed on the committee on the part of the Senate, Messrs. Spaulding and Strickler.

JOHN T. MORTON,

*Secretary of Senate.*

Mr. Speaker appointed Messrs. ———— on the part of the House to act with the committee on the part of the Senate, in

reference to House concurrent resolution No. 12, appointing joint committee to revise and report a bill to regulate fees.

Mr. Thoman offered the following resolution, which was laid over under the rules:

*Resolved*, That the laws of the present session be published in German, in the *Kansas Zeitung*, and that the sum of two hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, for said publication.

Mr. Lingo introduced House bill No. 180, entitled "An act to amend an act entitled 'An act to regulate elections and prescribe the qualifications of voters, and prevent illegal voting.'"

Read first time.

By consent, Mr. Thoman presented the account of L. Soussman, for translating and printing the Governor's message.

Referred to Committee on Claims.

House bill No. 173, "An act regulating compromises of partners and joint debtors," was read the second time, and

Referred to Committee on Judiciary.

House bill No. 174, "An act to locate a State road from Lawrence to Humboldt, via Ohio City, Garnett, Elizabethtown and Iola," was read the second time, and

Referred to Committee on Roads and Highways.

House bill No. 177, "An act to amend an act exempting certain property from sale upon execution or other final process, approved March 4, 1862," was read the second time, and

Referred to Committee on Judiciary.

House bill No. 178, "An act to vacate certain streets and alleys in the town of Clinton," was read the second time, and

Referred to Committee on Corporations.

Senate joint resolution No. 6, relating to railroad from Fort Leavenworth to Fort Scott, was read the second time, and

Referred to Committee on Railroads.

On motion of Mr. Wood,

The House resolved itself into Committee of the Whole for the consideration of bills Nos. 45, 99, 133, 154 and 164, Mr. Moore in the chair. After some time spent therein, the committee arose, and

through their chairman reported back bills Nos. 164, 45, 99, 133 and 154, reported progress and asked leave to sit again.

Mr. Forman, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER—The Committee on Enrolled Bills ask leave to report that bill No. 6, entitled "An act to repeal an act respecting the duties of county and township officers," and bill No. 3, entitled "An act to authorize certain State officers to administer oaths," were placed in the hands of the Governor for his consideration, on the 28th day of January.

JOHN W. FORMAN,  
*Chairman.*

On motion, the House adjourned.

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#### AFTERNOON SESSION.

2 O'CLOCK, P. M.

Quorum present.

Speaker in the chair.

On motion, the House resolved itself into Committee of the Whole for the consideration of bills Nos. 164, 45, 99, 133 and 154, being unfinished business, Mr. Moore in the chair. After some time spent therein, the committee arose and through their chairman reported back bill No. 164, and recommended its passage.

Mr. Emery moved to adopt the report of the committee.

Pending which, the House adjourned.

## MORNING SESSION.

MONDAY, FEB. 1, 1864, 10 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

Mr. Forman, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER—The Committee on Enrolled Bills have examined House bill No. 35, entitled "An act to change the name of the town and township of Sautrell Falls and of the Sautrell river, and to repeal chapter 40 of the laws of 1863," and have found the same correctly enrolled.

February 1st, 1864.

Mr. Ayers, from Committee on Roads and Highways, made the following report:

MR. SPEAKER—Your Committee on Roads and Highways, to whom was referred bill 174, entitled "An act to locate a State road," have had the same under consideration, and instruct me to report the same back to the House, and recommend the accompanying substitute to be adopted, and that it be inserted in the general road bill.

SAMUEL AYERS,

*Chairman.*

The following messages were received from the Senate:

Message from the Senate:

MR. SPEAKER—I am instructed by the Senate to notify the House of Representatives that the Senate has passed bill No. 35, "An act to change the name of the town and township of Sautrell Falls and Sautrell River."

Also, that they have passed bill No. 9, "An act for recording marks and brands," with the following amendments:

Senate amendment to bill No. 9:

In first section, first line, strike out "County Clerk," and insert "Register of Deeds."

In first section, in fourth line engrossed bill, strike out "such," and insert "each."

In section 3, strike out "County Clerk," and insert "Register of Deeds."

Strike out section 4, and insert, after the words "brand, and giving certificate of same:"

"Sec. 4. All forfeitures provided for in this act shall be recorded in the name of the State of Kansas, and shall be applied to the school fund of the proper county, as in the case of other fines and forfeitures; and, in case of an acquittal of the defendant in any case arising under this act, the complainant shall pay all the costs, and judgment shall be rendered against him therefor, and in no event shall the county be liable for costs in any case arising under this act."

In which the concurrence of the House is respectfully requested,

JOHN T. MORTON,

*Secretary of Senate.*

House concurred in Senate amendment to House bill No. 9.

The following message was received from the Senate:

Message from the Senate:

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has adopted House concurrent resolution No. 2. Substitute for House joint resolution No. 2, relating to President Lincoln and his administration, with the following amendment, to wit:

Strike out third resolution, and insert: "3d. That we hereby declare Abraham Lincoln to be our choice for next President, and Johnson, of Tennessee; and we propose that he be made the candidate by general acclamation, without the formality of a National Convention, believing that the people of Kansas and the Union will rally to his support with a unanimity and enthusiasm unparalleled since the formation of the Government."

In which the concurrence of the House is respectfully requested.

JOHN T. MORTON,

*Secretary.*

The House concurred in Senate amendment to concurrent resolution No. 2, in reference to President Lincoln and his administration.



Mr. Wood moved to insert the name of Andrew Johnson, of Tennessee, for Vice President.

Upon which, the ayes and noes being demanded, resulted as follows :

Ayes, 36; noes, 34.

Gentlemen voting in the affirmative were—

Messrs. Alford, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Camp, Campbell, Chestnut, Craig, Cummings, Donaldson, Drenning, Ellis, Fleming, Forman, Hawks, Hersey, Hidden, Hollinberg, Hutchins, Irwin, Johnson (1st), Kenner, Lacock, Moore, McBride, McCulloch, Reynolds, Stratton, Taylor, Wakefield, Walker, Williams, Wood.

Gentlemen voting in the negative were—

Messrs. Ayers, Brumbaugh, Buck, Cavender, Cobb, Draper, Emery, Eskridge, Evans, Fox, Freeland, Frost, Pullington, Glick, Grover, Houts, Johnston (70th), Jones, Lingo, Miller, Orem, Pickering, Rogers (54th), Saqui, Saunders, Smith, Snook, Stephens, Stone, Thoman, Throckmorton, Trower, Twombly, Williams (18th).

Mr. Hidden offered the following resolution, which was laid over under the rules :

*Resolved*, That General James Henry Lane is our first and only choice for our next U. S. Senator from the State of Kansas.

Mr. Wood offered concurrent resolution No. 14, in reference to a grant of land to the Leavenworth and Galveston railroad.

Laid over under the rules.

Mr. Wood offered the following resolution, which was laid over under the rules :

*Resolved*, That the Committee on Public Institutions be instructed to inquire into the propriety of repealing all laws locating the public institutions of the State, and passing a law locating said institutions at the State capital, and report by bill or otherwise. }

Mr. Saunders, from Committee on Judiciary, made the following report :

MR. SPEAKER—The Judiciary [Committee] have had under consideration House joint resolution No. 3, to amend Section one, of article five of the constitution, and a majority of the committee have instructed me to report the same back to the House and recommend its rejection.

WM. R. SAUNDERS, *Chairman*.

Mr. Orem offered the following resolution, which was laid over under the rules:

*Resolved*, That the use of this hall be granted to C. H. Langston to-night, for the purpose of addressing the people on the subject of negro suffrage.

The following resolution, offered on a previous day, was taken up, and referred to Committee on Ways and Means:

*Resolved*, That the laws of the present session be published in German in the *Kansas Zeitung*, and that the sum of two hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for said publication.

Mr. Groves introduced bill No. 181, entitled "An act restraining County Commissioners."

Read first time.

Mr. Campbell introduced bill No. 182, entitled "An act to authorize County Commissioners to submit the question of the running at large of swine to a vote of the people."

Read first time.

Mr. Forman introduced bill No. 183, entitled "An act to amend an act entitled 'An act to regulate the entries and disposal of town sites.'"

Read first time.

Also, bill No. 184, entitled "An act in relation to a proposed reform in spelling in the English language."

Read first time.

Mr. Cummings introduced bill No. 185, entitled "An act making the provisions of an act entitled 'An act to incorporate cities of the State of Kansas,' approved March 4th, 1862, applicable to the city of Topeka."

Read first time.

Mr. Wood, from Committee on Militia, introduced bill No. 186, entitled "An act to organize and discipline the militia of Kansas."

On motion of Mr. Wood,

The rules were suspended, and

Bill No. 186, reported by Committee on Militia, was read second time, and

Ordered to be printed.

MR. SPEAKER—The Committee on the Militia, to whom was referred that portion of the Governor's message relating to the militia, have had the same under consideration, and instruct me to report the accompanying bill upon that subject, and recommend its passage, and that it be printed.

S. N. WOOD,

*Chairman.*

House bill No. 180, "An act to amend an act entitled 'An act to regulate elections, and to prescribe the qualifications of voters, and to prevent illegal voting,'" was read second time, and

Referred to Committee on Retrenchment and Reform.

Mr. Ayers presented petition of citizens of Linn county, Kansas, praying for a change in the constitution.

Referred to Committee on Elections.

Mr. Emery moved the House resolve itself into Committee of the Whole on unfinished business of Friday and Saturday.

Pending the motion, a call of the House was demanded, and the Sergeant-at-Arms instructed to bring in absentees.

Mr. Smith moved that further proceedings under the call of the House be dispensed with.

Motion lost.

Sergeant-at-Arms returned with the following gentlemen:

Messrs. Hersey, Forman, Irwin.

On motion of Mr. Johnson,

All further proceedings under the call of the House were dispensed with.

The House resolved itself into Committee of the Whole on unfinished business of Friday and Saturday, on substitute for bill No. 68; also, for the consideration of bills Nos. 98, 45, 99, 133, 154, 164; Mr. Moore in the chair.

After some time spent therein, the Committee arose, and through their chairman reported back substitute for bill No. 68, and recommended its passage.

Also, bill No. 98, and recommended it be printed and placed upon the calendar.

Also, bill No. 45, and recommended its passage.

Reported progress on bills Nos. 99, 133, 154, and asked leave to sit again.

Report agreed to, and

Bills ordered to be engrossed for third reading.

The following communication was received from the Governor:

STATE OF KANSAS, EXECUTIVE DEPARTMENT, }  
TOPEKA, February 1, 1864. }

*To the House of Representatives:*

I have this day approved bill No. 6, "An act to repeal an act respecting the duties of county and township officers."

Also, bill No. 35, "An act to change the name of the town and township of Sautrell Falls, and of the Sautrell river, and to repeal chapter 40 of the laws of 1863."

THOS. CARNEY.

On motion the House adjourned.

#### AFTERNOON SESSION.

2 O'CLOCK, P. M.

Speaker in the chair.

Quorum present.

The House resolved itself into Committee of the Whole on unfinished business, Mr. Moore in the chair. After some time spent therein the committee arose, and, through their chairman, reported back bill No. 99, and recommended the enacting clause be stricken out.

Also, bill No. 133, and recommended the enacting clause be stricken out.

Also, bill No. 154, and recommended its passage.

The report was agreed to.

Mr. Forman, chairman of the Committee on Enrolled Bills, made the following report:

MR. SPEAKER—The Committee on Enrolled Bills beg leave to report that bill No. 35, entitled "An act to change the name of the

town and township of Sautrell Falls and of the Sautrell river, and to repeal chapter 40 of the laws of 1863," was placed in the hands of the Governor for his consideration, February 1st, 1864.

JOHN W. FORMAN,

*Chairman.*

The House resolved itself into Committee of the Whole on bills Nos. 101, 105, 64, 67 and 68, Mr. Smith in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back bill No. 101, and recommended the enacting clause be stricken out.

Also, bill No. 105, and recommended its passage.

Also, bill No. 64, and recommended the enacting clause be stricken out.

Also, substitute for bill No. 69, and recommended its passage as amended.

Also, bill No. 88, and recommended its passage.

Report agreed to, and bills reported upon favorably, ordered engrossed for a third reading.

The House resolved itself into Committee of the Whole for the consideration of bills Nos. 95, 12, 23, 37, 41, Mr. Miller in the chair.

After sometime spent therein, the committee arose, and, through their chairman, reported back bill No. 95, and recommended its passage.

Also, bills Nos. 12, 39, 41, and report progress and ask leave to sit again.

Report of committee agreed to.

Bills reported favorably upon ordered to be engrossed for a third reading.

On motion, the House adjourned.

## MORNING SESSION.

TUESDAY, FEBRUARY 2, 1864, 10 o'clock, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Fox, Hidden, Johnson, McCulloch, Rogers (60th), and Saunders.

Journal of Monday read and approved.

Mr. Grover, from Committee on Elections, made the following report:

MR. SPEAKER—The Committee on Elections to whom was referred various petitions concerning negro suffrage, have had the same under consideration, and beg leave to report that, in their judgment, it is inexpedient and inopportune to take any action in the premises at the present time, for various reasons, chief among which is, a great many of our best citizens are absent from the State in the military service of the United States, and any question contemplating so radical a change in our organic law as that proposed by the petitions, should be participated in by each and every citizen of the State.

O. G. GROVER,

*Chairman.*

The following communication was received from the Senate:

Message from the Senate:

MR. SPEAKER—I am instructed to inform the House of Representatives that the Senate has adopted Senate joint resolution No. 9, proposing an amendment of section 12, of article 2, of the constitution of the State of Kansas, in which the consideration of the House is respectfully requested.

The House of Representatives is respectfully notified that the Senate has ordered the printing of the following bills: No. 19, "An act to organize the State Normal School;" No. 48, "An act to regulate the school funds of the several counties;" No. 29, "An act to abolish township elections."

JOHN T. MORTON,

*Secretary of Senate.*

Mr. Eskridge, from Committee on Railroads, made the following report:

MR. SPEAKER—Your Committee on Railroads, to whom was referred Senate joint resolution No. 6, in relation to a grant of land for a railroad from Leavenworth to Fort Scott, have had the same under consideration, and instruct me to report the same back to the House, and recommend its passage.

C. V. ESKRIDGE,

*Chairman.*

Senate joint resolution No. 9, "Joint resolution proposing an amendment of section 12 of article 2 of the constitution of the State of Kansas," was read first time.

The following message was received from the Senate:

Message from the Senate:

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has concurred in House concurrent resolution No. 9, relating to Pacific railroad.

Also, that the Senate has adopted Senate concurrent resolution No. 11, "Preamble and concurrent resolution asking Congress to grant land to aid in the construction of a railroad from Wyandotte, in the direction of Galveston bay, in Texas.

JOHN T. MORTON,

*Secretary of Senate.*

Substitute for House concurrent resolution No. 7, relating to Pacific railroad:

*Resolved by the House of Representatives of the State of Kansas, (the Senate concurring), That the Congress of the United States be and they are hereby earnestly memorialized to amend an act of Congress entitled "An act for a grant of lands to the State of Kansas, in alternate sections, to aid in the construction of certain railroads and telegraphs in said State," approved March 3rd, 1863, so that the Neosho valley road, mentioned in said act of Congress as a branch of the Atchison, Topeka and Santa Fe railroad, be extended northwesterly, to a connection with the Union Pacific railroad, eastern division, at or near Fort Riley, in the State of Kansas, and that a grant of lands be made to aid in its construction; that our Senators and Representatives in Congress are hereby earnestly requested*

to give their undivided influence and efforts in furtherance of the objects of this memorial; that the Secretary of State be and he is hereby required to forward, without delay, a copy of this memorial to each of our Senators and Representatives in Congress, the President of the United States, the President of the Senate, and the Speaker of the House of Representatives of the United States.

Senate concurrent resolution No. 11, "Preamble and concurrent resolution asking Congress to grant lands to aid in the construction of a railroad from Wyandotte, in the direction of Galveston bay, in Texas," was taken up and concurred in.

Mr. Brumbaugh offered the following resolution, which was adopted:

*Resolved*, That the Auditor furnish this House, at as early a day as practicable, the amount of Territorial tax paid by the several counties in this State for the year 1860, and the amount so paid by each county, and what counties, if any, failed entirely to pay any portion of the Territorial tax charged against them for said year.

By consent, the resolution offered on a previous day by Mr. Hidden was withdrawn.

The following resolution, offered on a previous day, was taken up, and indefinitely postponed:

*Resolved*, That the Committee on Public Institutions be instructed to inquire into the propriety of repealing all laws locating the public institutions of the State, and passing a law locating said institutions at the State capital, and report by bill or otherwise.

Mr. Rogers, from Committee on Public Institutions, made the following report:

MR. SPEAKER—Your Committee on Public Institutions beg leave to report back bill No. 142, with the accompanying as a substitute therefor, without recommendation, and that the same be printed.

D. ROGERS,

*Chairman.*

Mr. Cobb, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER—The Committee on Engrossed Bills have examined bill No. 68, an act entitled "An act to postpone the time of holding the District Court of Nemaha county," bill No. 45, "An



act providing for the election of County Attorneys, and prescribing their duties," bill No. 154, "An act relating to costs in criminal cases," bill 164, "An act to abolish grand juries, and to provide for the trial of offenses upon information," bill 105, "An act appropriating certain money in Morris county, Kansas," bill No. 67, "An act for the adoption of children," bill 88, "An act relating to County Commissioners of Johnson county," and bill 95, "An act to authorize Lyon county to raise bonds to build a jail," and find the same correctly engrossed.

DAVID R. COBB,

*Chairman.*

Joint resolution No. 14, offered on a previous day, in reference to grants of land for railroads, read a second time, and

Referred to Committee on Railroads.

Mr. Trower, from Committee on Retrenchment and Reform, made the following report:

MR. SPEAKER—The Committee on Retrenchment and Reform, to whom was referred bill No. 180, "An act to amend an act to regulate elections, and to prescribe the qualifications of voters, and to prevent illegal voting," instruct me to report the same back and recommend that it do not pass.

THOMAS TROWER,

*Chairman.*

Mr. Sternberg introduced bill No. 187, entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the city of Lawrence,' approved June 4, 1861,'"

Read the first time.

Mr. Orem introduced bill No. 188, entitled "An act to authorize the Auditor of State to credit Doniphan county with tax."

Read the first time.

Mr. Glick introduced bill No. 189, entitled "An act to amend an act entitled 'An act to provide for the assessment and collection of taxes.'"

Read the first time.

On motion of Mr. Glick,

The rules were suspended, and bill No. 188, entitled "An act for the assessment and collection of taxes," was read the second time, and

Referred to Committee on Ways and Means.

House bill No. 181, "An act restraining county attorneys," read the second time, and

Referred to Committee on Judiciary.

House bill No. 182, "An act authorizing county commissioners to submit the question of the running at large of swine to a vote of the people," was read the second time, and

Referred to Committee on Agriculture.

House bill No. 183, "An act to amend an act entitled 'An act to regulate the entries and disposal of town sites,'" was read the second time, and

Referred to Committee on Judiciary.

House bill No. 184, "An act relating to a proposed reform in spelling, in the English language," was read the second time, and

Referred to Committee on Education.

House bill No. 185, "An act making the provisions of an act entitled 'An act to incorporate cities of the State of Kansas,' approved March 4, 1862, applicable to the city of Topeka," was read the second time, and

Referred to Committee on Corporations.

Bills on third reading.

House bill No. 68, an act entitled "An act to postpone the time of holding the District Court of Nemaha county," was read the third time.

The question being, Shall the bill pass?

The ayes and noes being called, the vote resulted as follows:

Ayes, 68.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hersey, Hadden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th), Jones, Kenner, Lacock, Laing, Lingo, Miller, Moore, McBride, McCulloch, Orem, Pickering, Pile, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly.

Wakefield, Walker, Williams (9th), Williams (18th), Wood, Mr. Speaker.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed, and

The title agreed to.

House bill No. 45, "An act providing for the election of County Attorneys, and prescribing their duties," was called up.

Pending the vote being taken upon its passage, a call of the House was demanded, and

The Sergeant-at-Arms instructed to bring in absentees.

The Sergeant-at-Arms returned with the following gentlemen:

Messrs. Emery, Chestnut, Bottom, Hersey, Cummings and McCulloch.

Further proceedings under the call of the House were dispensed with.

Mr. Wood moved the passage of bill No. 164 before the passage of bill No. 45,

Which was carried.

House bill No. 164, "An act to abolish grand juries, and to provide for the trial of offenses upon information," was read the third time.

The question being, Shall the bill pass?

Pending the vote being taken on the passage of the bill, Mr. Lacock moved that the House go into Committee of the Whole upon special order,

Which was lost.

The vote recurring upon the passage of the bill, and

The ayes and noes being called, resulted as follows:

Ayes, 52.

Gentlemen voting in the affirmative were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Caverder, Cobb, Cummings, Donaldson, Draper, Drenning, Emery, Eskridge, Fleming, Forman, Fox, Freeland, Frost, Glick, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th), Jones, Kenner, Lingo, Moore, Orem, Reynolds.

Rogers (60th), Saqui, Snook, Stephens, Stone, Stratton, Throckmorton, Walker, Williams (9th), Williams (18th), Wood.

Noes, 20.

Gentlemen voting nay were—

Messrs. Chestnut, Craig, Ellis, Evans, Fullington, Grover, Lacock, Miller, McBride, McCulloch, Pickering, Rogers (54th), Saunders, Smith, Sternberg, Taylor, Thoman, Trower, Twombly, Wakefield.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed, and

The title was agreed to.

House bill No. 45, "An act providing for the election of county attorneys and prescribing their duties," was read the third time.

By consent, Mr. Moore offered the following amendment to section 16: At and after last line, insert "And shall have the fees as heretofore provided by law."

The question being, Shall the bill pass?

The ayes and noes being called, resulted as follows:

Ayes, 40.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st) Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cummings, Donaldson, Drenning, Emery, Eskridge, Fleming, Forman, Freeland, Frost, Glick, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Lingo, Moore, McCulloch, Reynolds, Rogers (60th), Saqui, Saunders, Snook, Stephens, Stratton, Walker, Williams (9th). Wood.

Nays, 32.

Gentlemen voting nay were—

Messrs. Cavender, Chestnut, Craig, Cobb, Draper, Ellis, Evans, Fox, Fullington, Grover, Hawks, Hersey, Hidden, Johnston (70th), Jones, Kenner, Lacock, Miller, McBride, Orem, Pickering, Rogers (54th), Smith, Sternberg, Stone, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Williams (18th).

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed, and

The title was agreed to.

House bill No. 154, "An act relating to costs in criminal cases," was read the third time.

The question being, Shall the bill pass?

The ayes and noes being called, resulted as follows:

Ayes, 63.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Glick, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th), Jones, Kenner, Lingo, Miller, Moore, McBride, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Smith, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Nays, 5.

Gentlemen voting nay were—

Messrs. Brumbaugh, Ellis, Lacock, Saunders, Sternberg.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

The following communication was received from the Secretary of State; and referred to the Committee on Printing:

STATE OF KANSAS, EXECUTIVE DEPARTMENT, }  
OFFICE OF SECRETARY OF STATE, }  
TOPEKA, February 2, 1864. }

*Gentlemen of the House of Representatives:*

I have just received your resolution requesting me to inform your body why the volume of public documents has not been furnished, as required by law and resolution. I have to answer that immediately on receipt of your order, dated January 16th, for the printing of the volume of public documents, I sent to Mr. John Speer, the printer having the contract for that branch of public printing, the

printer's copy for the documents ordered. I have frequently written Mr. Speer on the subject, urging him to get the work out at an early day. His last communication to me I send you herewith. There has been no delay whatever unnecessary on the part of this office in furnishing the copy or forwarding it to the printers. I am not able, therefore, to give you the information sought for in your resolution of January 29, above referred to.

Very respectfully, &c.

W. W. H. LAWRENCE,

*Secretary of State.*

LAWRENCE, KANSAS, Jan. 26, 1864.

*Friend Lawrence*—It is impossible to get hands, and my material has been kept back by the Hannibal and St. Jo. road. I could not provide against the providence of God. I will do everything possible to get your report printed, but I have only yesterday got type. I will be in Topeka in a day or two, and then I can tell you more fully about it.

I have forty days, I believe, under the law, but that makes no difference—I would do the work in a day, if possible.

Very respectfully,

JOHN SPEER.

House bill 105, "An act appropriating certain money in Morris county, Kansas," was read third time.

The question being, Shall the bill now pass? and the ayes and noes being called, resulted as follows:

Ayes, 61.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Caverder, Chestnut, Craig, Cobb, Donaldson, Draper, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Johnson (1st), Johnston (70th), Jones, Kenner, Lacock, Lingo, Miller, Moore, McBride, Orem, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Smith, Snook, Sternberg, Stephens, Stone, Taylor, Thoman, Throckmorton, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Noes, 3.

Gentlemen voting no were—

Messrs. Glick, Trower, Twombly.

A constitutional majority having voted in favor of the passage of the bill, so the bill passed, and

The title was agreed to.

House bill No. 67, "An act for the adoption of children," was read third time.

The question being, Shall the bill pass? the ayes and noes being called, the vote resulted as follows:

Ayes, 61.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Draper, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hersey, Hollinberg, Houts, Hutchins, Johnson (1st), Johnston (70th), Jones, Kenner, Lacock, Lingo, Miller, Moore, McBride, Orem, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Thoman, Throckmorton, Trower, Twombly, Walker, Williams (9th), Williams (18th), Wood.

Noes, 3.

Gentlemen voting no were—

Messrs. Alford, Hidden, Taylor.

A constitutional majority having voted in favor of the passage of the bill,

And so the bill passed, and

The title was agreed to.

House bill No. 88, "An act relating to county officers," was read the third time.

The question being, Shall the bill pass? the ayes and noes being called, the vote resulted as follows:

Ayes, 59.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Campbell, Cavender,

Chestnut, Craig, Ellis, Emery, Eskridge, Evans, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Johnston (70th), Jones, Kenner, Lacock, Lingo, Miller, Moore, McBride, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Taylor, Thoman, Throckmorton, Trower, Twombley, Walker, Williams, (9th), Williams (18th), Wood.

Nays, 4.

Gentlemen voting nay were—

Messrs. Draper, Glick, Hidden, Orem.

A constitutional majority having voted for the passage of the bill,

So the bill passed, and

The title was agreed to.

House bill No. 95, "An act to authorize Lyon county to issue bonds to build a jail," was read the third time.

The question being, Shall the bill pass? the ayes and noes being called, resulted as follows:

Ayes, 53.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Campbell, Cavender, Chestnut, Craig, Cobb, Ellis, Emery, Eskridge, Evans, Forman, Fox, Freeland, Frost, Fullington, Grover, Hawks, Hersey, Hollinberg, Hutchins, Johnston (70th), Jones, Kenner, Lacock, Lingo, Miller, Moore, McBride, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Walker, Williams (9th), Williams (18th), Wood.

Noes, 10.

Gentlemen voting no were—

Messrs. Ayers, Draper, Fleming, Glick, Hidden, Houts, Orem, Pickering, Trower, Twombley.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed, and

The title was agreed to.

The following message was received from the Senate:

Message from the Senate:

MR. SPEAKER—I am instructed by the Senate to inform the



House of Representatives that the Senate has concurred in the amendment to House concurrent resolutions No. 2, substitute for House joint resolution No. 2, relating to President Lincoln and his administration.

JOHN T. MORTON,

*Secretary.*

House concurrent resolution No. 2:

Substitute for House joint resolution No. 2, relating to President Lincoln and his administration:

*Resolved by the House of Representatives of the State of Kansas, (the Senate concurring therein,) 1st,* That we have the utmost confidence in the ability, integrity and patriotism of Abraham Lincoln, President of the United States, and heartily endorse the great measures instituted and prosecuted by him, having for their object the suppression of the rebellion, the perpetuity of the Union, and the lasting triumph of freedom.

2nd, That we consider his proclamation of January 1st, 1863, as the potent instrument which, in the hands of Providence, will assuredly effect the regeneration of the republic, and secure its re-establishment upon the solid basis of universal freedom, and that his proclamation of Dec. 8th, 1863, having in view the re-organization of the rebellious States, entitles him to the lasting gratitude of every lover of State government and impartial liberty.

3rd, That we hereby declare Abraham Lincoln to be our choice for next President, and Andrew Johnson, of Tennessee for Vice President, and we propose that they be the candidates by general acclamation, without the formality of a national convention, believing that the people of Kansas and the Union will rally to their support with a unanimity unparalleled since the formation of the government.

4th, That the Governor be and is hereby requested to forward a copy of these resolutions to the President of the United States, to each of our Senators and Representatives in Congress, and to the Governors of the several States.

On motion, the House adjourned.

## AFTERNOON SESSION.

TWO O'CLOCK, P. M.

House called to order.

Speaker in the chair.

Quorum present.

The House resolved itself into Committee of the Whole, for the consideration of special order, being House joint resolution No. 1, Mr. Smith in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back to the House, House joint resolution No. 1, and bill No. 155, and recommended that they be made the special order for Thursday next, at 2 o'clock.

The report of Committee was agreed to.

By consent, Mr. Eskridge introduced the following concurrent resolution, which was laid over under the rules:

*Resolved by the House of Representatives (the Senate concurring),* That a committee of five on the part of the House, and three on the part of the Senate, be appointed to determine, prepare and recommend the necessary legislation to enable our volunteer soldiers in the service of the United States to vote, and report by bill or otherwise, on or before the 10th of this month.

By consent, Mr. Johnson, from the Committee on Ways and Means, made the following report:

MR. SPEAKER—The Committee on Ways and Means, to whom was referred bill No. 189, "An act to amend an act entitled 'An act to provide for the assessment and collection of taxes,'" have had the same under consideration, and instruct me to report the same back to the House with the recommendation that it pass.

JNO. P. JOHNSON,

*Chairman.*

The House resolved itself into Committee of the Whole for the consideration of bills Nos. 189, 175, 93 and 106. Mr. Cummings in the chair.

After some time spent therein the committee arose, and, through their chairman, reported back to the House, bill 189, and recommended its passage.

Also, Bill 175, and recommended its passage:

Bill No. 93 and bill No. 106, report progress and ask leave to sit again.

Report of Committee agreed to.

The following communication was received from the Secretary of State:

STATE OF KANSAS, EXECUTIVE DEPARTMENT, }  
OFFICE OF SECRETARY OF STATE, }  
TOPEKA, February 2, 1864. }

*To the Honorable House of Representatives:*

I have the honor to transmit herewith a communication this day received from Major General S. R. Curtis, in answer to certain resolutions heretofore transmitted to him, inviting him to the capital, &c.

Very respectfully,

W. W. H. LAWRENCE,  
*Secretary of State.*

HEADQUARTERS DEPARTMENT OF KANSAS, }  
FORT LEAVENWORTH, January 28, 1864. }

HON. W. W. H. LAWRENCE, Secretary of State, Sir:

Yours of the 26th inst., conveying a copy of the resolutions passed by the two Houses of the Honorable the Legislature of the State of Kansas, inviting me to visit them at Topeka, is duly received. I am highly sensible of the honor thus conferred on me, and very grateful for the kind reception given me by your State and people. It is an expression of the loyal sentiment of the people of Kansas towards the Federal Government which I represent; and it will be my duty and earnest desire to so exert my powers as to maintain the honor of our flag and the approbation of your people. I ask a generous confidence and continued hearty co-operation of your State authorities and people in the efforts of our Government to protect your homes and suppress this rebellion.

My duties seem to call me in an other direction at present, but I will try to do myself the honor of complying with the invitation before the adjournment of the Legislature.

Please tender to the honorable Legislature my very grateful thanks for this expression of their distinguished confidence, and accept my personal regards.

I have the honor to be the Legislature's very humble and obedient servant,

S. R. CURTIS;

*Major General.*

On motion of Mr. Moore,

House bill No. 175 was considered engrossed, and ordered to a third reading.

On motion of Mr. Wood,

Joint resolution No. 3, to amend section one, of article five of the constitution, abolishing the distinction of color, was made the special order for next Thursday evening, at 7 o'clock.

Mr. McCulloch introduced House bill No. 190, entitled "An act providing for the payment of the Kansas State militia."

Read the first time.

On motion of Mr. Glick,

House bill No. 93 was referred to the Attorney General for his opinion as to its constitutionality.

On motion, House adjourned.

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### MORNING SESSION.

WEDNESDAY, FEB. 3, 1864, 10 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Prayer by the chaplain.

On motion, the reading of the journal was dispensed with.

Mr. Rogers introduced memorial of O. H. Brown and others, asking a change in the tax law.

Referred to Committee on Ways and Means.

Mr. Saunders, from Committee on Judiciary, made the following report:

**MR. SPEAKER**—The Judiciary Committee have had under consideration Senate joint resolution No. 1, to amend section three of article five of the constitution of the State of Kansas, and a majority of the committee have instructed me to report the same back to the House, with the recommendation that the words "nor while a student of any seminary of learning, nor while kept at any alms-house or other asylum at public expense, nor while confined in any public prison," and the words "but nothing herein contained shall be deemed to allow any soldier, seaman or marine in the army or navy of the United States the right to vote," be stricken from the first section, and that the resolution be printed and passed as thus amended.

W. R. SAUNDERS,

*Chairman.*

Mr. Eskridge, from Committee on Railroads, made the following report:

**MR. SPEAKER**—Your Committee on Railroads, to whom was referred joint resolution No. 58, in reference to a grant of land for railroads, have had the same under consideration, and instruct me to report the same back, and recommend its passage.

C. V. ESKRIDGE,

*Chairman.*

Mr. Cobb, from Committee on Engrossed Bills, made the following report:

**MR. SPEAKER**—The Committee on Engrossed Bills have examined bill No. 189, "An act to amend an act entitled 'An act to provide for the assessment and collection of taxes,'" and find the same correctly engrossed.

DAVID R. COBB,

*Chairman.*

Mr. Forman, from Committee on Enrolled Bills, made the following report:

**MR. SPEAKER**—The Committee on Enrolled Bills have examined House bill No. 9, entitled "An act to provide for the recording of marks and brands," and have found the same correctly enrolled.

JOHN W. FORMAN,

*Chairman.*

Mr. Moore presented the claim of J. C. Douglas, which was Referred to Committee on Claims.

Mr. Wood offered the following resolution, which was adopted: *Resolved*, That Major R. B. Lockwood be invited to a seat within the bar of this House.

Mr. R. Parham was appointed Assistant Enrolling Clerk, and came forward and took the oath prescribed by law.

Mr. Moore introduced bill No. 191, entitled "An act to amend an act entitled 'An act to provide for the incorporation of fire, marine and life insurance companies.'"

Read first time.

Mr. Emery introduced bill No. 192, entitled "An act for the relief of L. McArthur."

Read first time.

Mr. Cummings introduced bill 193, entitled "An act providing for the erection of a State arsenal building, and making an appropriation therefor."

Read the first time.

Mr. Barnes introduced bill No. 194, entitled "An act in relation to the representative district of Jefferson county."

Read first time.

Mr. Barnes introduced bill No. 195, entitled "An act to locate the county seat of Jefferson county."

Read first time.

Mr. Sternberg introduced bill No. 196, entitled "An act defining the boundaries of Douglas county."

Read first time.

Mr. Donaldson introduced bill No. 197, entitled "An act defining the boundaries of Butler county."

Read first time.

Mr. Saunders introduced bill No. 198, entitled "An act to authorize school district No. 1, in Coffey county, to issue bonds."

Read first time.

Mr. Kenner introduced House concurrent resolution No. 14, asking Congress to grant lands to aid in the construction of a railroad from Fort Scott to the Atchison, Topeka and Santa Fe railroad.

Laid over under the rules.

House bill No. 187, "An act to amend an act entitled 'An act to amend an act to amend and consolidate the several acts in relation to the city of Lawrence,' approved June 4, 1861," was read the second time, and

Referred to Committee on Judiciary.

House bill No. 188, "An act to authorize the Auditor of State to credit Doniphan county with tax," was read the second time, and Referred to Committee on Ways and Means.

Senate joint resolution No. 9, to amend section twelve (12), of article two of the constitution of the State of Kansas, was read the second time, and

Referred to Committee on Judiciary.

House bill No. 190, "An act to provide for the payment of Kansas State militia," was read the second time, and

Referred to Committee on Militia.

House bill No. 175, "An act to amend an act entitled 'An act to incorporate cities of the State of Kansas,' approved March 6, 1862," was read the third time.

The question being, Shall the bill pass?

The ayes and noes being called, resulted as follows:

Ayes, 65, noes, 0.

Gentlemen voting in the affirmative were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st) Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Grover, Hawks, Hidden, Hollinberg, Houts, Hutchins, Johnson (1st), Johnston (70th), Jones, Kenner, Lacock, Lingo, Miller, Moore, McBride, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Walker, Williams (9th), Williams (18th), Wood.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Bill 189, "An act to amend an act to provide for the assessment and collection of taxes," was read the third time.

The question being, Shall the bill pass?

The ayes and noes being called, resulted as follows:

Ayes, 68; noes, 1.

Gentlemen voting in the affirmative were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hidden, Hollinberg, Houts, Hutchins, Johnson (1st), Johnston (70th), Jones, Kenner, Lingo, Miller, Moore, McBride, McCulloch, Orem, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Walker, Williams (9th), Williams (18th), Wood.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed, and

The title was agreed to.

Mr. Eskridge, from Committee on Railroads, made the following report:

MR. SPEAKER—Your Committee on Railroads, to whom was referred bill No. 176, "An act to provide for the incorporation and regulation of railroad companies," have had the same under consideration, and instruct me to report the same back, and recommend that it be printed, with the following amendment to be added to section three.

*"Provided, that nothing herein contained shall be construed to authorize any corporation under the provisions of this act to interfere with any of the rights and privileges of any railroad company now in existence under any charter heretofore granted by the Territory of Kansas."*

C. W. ESKRIDGE,

*Chairman.*

The House resolved itself into Committee of the Whole on unfinished business, Mr. Taylor in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported progress on bills Nos. 175 and 189, and asked leave to sit again.



The following message was received from the Senate:

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate requests the appointment of another committee of conference upon the disagreeing vote of the two Houses on Senate amendment to bill No. 42, "An act making appropriation for the current Legislative expenses for the year 1864," and have appointed, on the part of the Senate, Messrs. Spaulding, McGrew and Burnett.

JOHN T. MORTON,

*Secretary of Senate.*

Mr. Speaker appointed the following gentlemen as committee of conference, on the part of the House, in reference to bill No. 42: Messrs. Sternberg, Smith and Trower.

On motion, the House adjourned.

#### AFTERNOON SESSION.

2 O'CLOCK, P. M.

Speaker in the chair.

Quorum present.

The House resolved itself into Committee of the Whole for the consideration of unfinished business, Mr. Taylor in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back to the House bill No. 12, and recommended its passage as amended.

Also, bill No. 37, and recommended its passage.

Also, bill No. 41, and recommended its passage.

Also, bill No. 23, and recommended its passage as amended.

The report of the committee was agreed to.

Bills reported favorably upon were ordered to be engrossed for a third reading.

The House resolved itself into Committee of the Whole for the

consideration of bills Nos. 93, 106, 73, 98 and 63, Mr. Cummings in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back to the House bill No. 106, and recommended its passage as amended; bill No. 98, and recommended its passage; bill No. 73, and recommended its passage; bill No. 63, and recommended that it be made the special order for two weeks from to-day.

Report agreed to.

Bills reported favorably upon were ordered to be engrossed for a third reading.

The following communication was received from the Senate:

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has concurred in House concurrent resolution No. 13, asking Congress for a grant of land for the Osage and Cottonwood Valley Railroad.

JOHN T. MORTON,

*Secretary of Senate.*

House concurrent resolution No. 13:

*Resolved by the House of Representatives of the State of Kansas, (the Senate concurring therein), That the Congress of the United States be and they are hereby earnestly memorialized to grant the right of way and make a grant of lands for the construction of a railroad and telegraph from the eastern line of the State, via Paola and Emporia in said State, to intersect the Atchison, Topeka and Santa Fe Railroad at the nearest point west in the Cottonwood river valley, where the said Atchison, Topeka and Santa Fe railroad may intersect the valley of said river. That our Senators and Representatives in Congress are hereby earnestly requested to give their undivided influence and efforts in furtherance of the object of this memorial.*

That the Secretary of State be and he is hereby requested to forward without delay a copy of this memorial to each of our Senators and Representatives in Congress, the President of the United States, and Speaker of the House of Representatives of the United States.

Mr. Sternberg, by consent, made the following report:

MR. SPEAKER—The Committee of Conference who were appointed

ed to consider the matter of difference between the two Houses in relation to bill No. 42, entitled "An act making appropriation for the current Legislative expenses for the year 1864," and unanimously recommend the adoption of the following amendment:

Add, after the word "dollars," in the ninth line of section one, the following provision: "*Provided*, that no money be paid to any member or officer of the Legislature for the time when absent from the capitol while the respective branches, of which he is a member, is in session, except in cases of sickness or otherwise directed."

T. J. STERNBERG,

*Chairman on part of the House.*

A. W. SPAULDING,

*Chairman on part of the Senate.*

By consent, Mr. Pickering introduced House bill No. 199, entitled "An act making appropriation for the payment of State militia."

Read the first time.

On motion, the rules were suspended, and House bill No. 199 was read the second time, and

Referred to Committee on Militia.

Mr. Wood offered the following resolution, which was adopted.

*Resolved*, That Major General John B. Scott, S. D. K. S. M., be invited to a seat within the bar of this House.

On motion the House adjourned.

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## MORNING SESSION.

THURSDAY, FEB. 4, 1864, 10 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Prayer by the chaplain.

Journal of yesterday read and approved.

Mr. Saunders, from Committee on Judiciary, made the following report :

MR. SPEAKER—The Judiciary Committee have had under consideration bill No. 188, "An act to amend an act entitled 'An act to regulate the entries and disposal of town sites,' and instruct me to report the same back to the House and recommend its printing and passage.

W. R. SAUNDERS,

*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration bill No. 177, "An act to amend an act entitled 'An act exempting certain property from sale upon execution or other final process,' approved Feb. 7th, 1859," and instruct me to report the same back to the House, and recommend that all after the first section be stricken out, its printing and passage as thus amended.

W. R. SAUNDERS,

*Chairman.*

Also the following :

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 181, "An act restraining County Commissioners," and instruct me to report the same back to the House, recommending that all after the first section be stricken out, its printing and passage as thus amended.

W. R. SAUNDERS,

*Chairman.*

Also,

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 167, "An act to authorize the State Auditor to credit Bourbon county with tax," and instruct me to report the same back to the House, with the recommendation that it be printed for consideration.

W. R. SAUNDERS,

*Chairman.*

Also,

MR. SPEAKER—The Judiciary Committee have had under consideration Senate joint resolution No. 9, to amend section 12 of article 2 of the constitution of the State of Kansas, so that bills may

originate in either House, subject to rejection by the other, and instruct me to report the same back to the House, and recommend its passage.

W. R. SAUNDERS,

*Chairman.*

Mr. Moore, from Committee on Corporations other than Banks, made the following report:

MR. SPEAKER—The Committee on Corporations other than Banks, to whom was referred bill No. 166, entitled "An act to vacate certain streets and alleys," has had the same under consideration, and direct me to report it back to the House, and recommend its passage.

GEO. A. MOORE,

*Chairman.*

MR. SPEAKER—The Committee on Corporations other than Banks, to whom was referred bill No. 185, entitled "An act making the provisions of an act entitled 'An act to incorporate cities of the State of Kansas,' approved March 4, 1862, applicable to the city of Topeka," has had the same under consideration, and direct me to report back to the House the following substitute, and recommend its passage, and that it be printed.

GEO. A. MOORE,

*Chairman.*

MR. SPEAKER—The Committee on Corporations other than Banks, to whom was referred bill No. 178, entitled "An act to vacate certain streets and alleys in the town of Clinton," and accompanying petition, has had the same under consideration, and direct me to report the same back to the House, and recommend the passage of the bill.

GEO. A. MOORE,

*Chairman.*

Mr. Forman, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER—The Committee on Enrolled Bills ask leave to report that bill No. 9, entitled "An act to provide for the recording of marks and brands," was placed in the hands of the Governor, for his consideration, on Wednesday, Feb. 3, 1864.

JOHN W. FORMAN,

*Chairman.*

Mr. Wood, from the Committee on Militia, made the following report:

MR. SPEAKER—The Committee on Militia, to whom was referred bill No. 190, entitled "An act to provide for the payment of the Kansas State militia," have had the same under consideration, and instruct me to report the same back to the House, and recommend that it be printed.

S. N. WOOD,

*Chairman.*

Also the following:

MR. SPEAKER—The Committee on Militia have had under consideration bill No. 199, entitled "An act making appropriation for the payment of the State militia," and instruct me to report the same back, and recommend that it be printed.

S. N. WOOD,

*Chairman.*

Mr. Cobb, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER—The Committee on Engrossed Bills have examined bill No. 23, "An act to vacate certain streets and alleys, parks and public grounds, of the town of Laport, in Doniphan county," bill No. 37, "An act to regulate the granting of pardons," and bill No. 41, "An act to legalize a certain deed," and find the same correctly engrossed.

DAVID R. COBB,

*Chairman.*

Mr. Ayers presented petition of Jared Fairbanks and others, on negro suffrage.

Referred to Committee on Elections.

Mr. Johnson, from Committee on Ways and Means, made the following report:

MR. SPEAKER—The Committee on Ways and Means, to whom was referred bill No. 188, "An act to authorize the Auditor of State to credit Doniphan county with tax," have had the same under consideration, and instruct me to report the same back to the House, and recommend its passage.

JOHN P. JOHNSON,

*Chairman.*

MR. SPEAKER—The Committee on Ways and Means, to whom was referred bill No. 71, have had the same under consideration, and instruct me to report the same back to the House and recommend that it pass and be printed, with the following amendment:

In section one, instead of "the 20th day of January," read "the 1st day of February," and that the following be inserted as section 2:

"That section 24 of an act supplemental to an act to provide for the assessment and collection of taxes, approved March 3, 1863, be so amended as to read: 'On all taxes remaining unpaid after the 20th day of January in each year, there shall be a penalty of ten per cent. added and collected in like manner as other taxes, and the county treasurer shall, in any settlement made by him, include a statement of the amount and kind of penalty by him collected, pursuant to the provisions of this section, verified by affidavit. And that sections two and three be numbered three and four.

JNO. P. JOHNSON,

*Chairman.*

MR. SPEAKER—The Committee on Ways and Means, to whom was referred bill No. 138, "An act to amend an act supplemental to an act to provide for the assessment and collection of taxes, approved March 3, 1863," have had the same under consideration, and instruct me to report the same back to the House and recommend that it do not pass.

JNO. P. JOHNSON,

*Chairman.*

The following message was received from the Senate:

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has passed bill No. 81, "An act to amend an act entitled 'An act to incorporate cities of the State of Kansas,' approved March 4, 1862," with the following amendments, to wit:

1. In third section, between words "maintain" and "school," insert "separate."

2. In same section, between the words "for" and "colored," insert "the education of white and."

3. In section five, after the word "warrant," insert "ordered by the board of education."

4. In same section, after the word "treasurer," add "for school moneys."

5. In section 6, strike out all after the words "Vice President," and insert "to perform all the duties of the President in case of his absence or disability."

6. In seventh section, fifth line (engrossed bill); after "warrants," insert "for school moneys."

7. In the same section, after "treasurer," in the sixth line, insert "by order of board of education."

8. In eighth section, strike out "and the city charter."

9. In fourteenth section, first line, strike out "cash," and insert "money."

10. Same section, strike out "out of the taxes first collected."

11. In section twenty-two, strike out in first line, "the," and insert "all."

12. Same section, strike out "every nation."

13. Same section, last line, strike out "by" and insert "from."

Add sections 23 and 24.

In which amendments the concurrence of the House is respectfully requested.

I am also instructed to inform the House that the Senate has stricken out the enacting clause from bill No. 48, "An act to regulate the school fund of the several counties."

JOHN T. MORTON,

*Secretary of Senate.*

Upon the ayes and noes being called, the House concurred in Senate amendments to bill No. 81.

Ayes, 67; noes, 0.

Gentlemen voting in the affirmative were—

Messrs. Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cummings, Donaldson, Draper, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th), Kenner, Lacock, Lingo, Miller, Moore, McBride, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Mr. Lacock introduced House joint resolution No. 6, to provide for the cancelling of certain State warrants.

Read the first time.



Mr. Eskridge introduced House joint resolution No. 7, in relation to electing a United States Senator.

Read the first time.

Mr. Hollinberg introduced House concurrent resolution No. 15, in reference to a joint convention.

Laid over under the rules.

Mr. Eskridge moved that the rules be suspended, and House joint resolution No. 7 be read the second time and referred.

Motion lost.

House concurrent resolution No. 13, offered on previous day by Mr. Eskridge, was taken up and adopted.

House concurrent resolution No. 14 was taken up, and

Referred to Committee on Railroads.

The following communication was received from the Governor:

STATE OF KANSAS, EXECUTIVE DEPARTMENT, }  
TOPEKA, February 3, 1864. }

*To the House of Representatives:*

I have this day approved bill No. 9, "An act to provide for the recording of marks and brands."

THOS. CARNEY.

Mr. Saqui introduced bill No. 200, entitled "An act in relation to aliens."

Read first time.

Mr. Sternberg introduced bill No. 201, entitled "An act to authorize the re-assessment of real estate in Douglas county."

Read first time.

Mr. Wood introduced bill No. 202, entitled "An act in reference to the Quindaro and Salina State road."

Read first time.

Mr. Wood presented petition of A. Woodworth and 37 others, asking a change in the Quindaro and Salina State road.

Referred to Committee on Roads and Highways.

Bill No. 191, "An act to amend an act entitled 'An act to provide for the incorporation of fire, marine and life insurance companies,' approved March 3, 1863," was read the second time, and

Referred to Committee on Corporations.

House bill No. 192, "An act for the relief of L. McArthur," was read the second time, and

Referred to the Committee on Judiciary.

House bill No. 193, "An act providing for the erection of a State arsenal, and making appropriation therefor," was read the second time, and

Referred to Committee on Public Buildings.

House bill No. 194, "An act in relation to the Representative districts of Jefferson county," was read the second time, and

Referred to the Committee on County Seats and County Lines.

House bill No. 195, "An act to locate the county seat of Jefferson county," was read the second time, and

Referred to Committee on County Seats and County Lines.

House bill No. 196, "An act defining the boundaries of Douglas county," was read the second time, and

Referred to Committee on County Seats and County Lines.

House bill No. 197, "An act defining the boundaries of Butler county," was read the second time, and

Referred to Committee on County Seats and County Lines.

House bill No. 198, "An act to authorize School District No. 1 in Coffey county to issue bonds," was read the second time, and

Referred to Committee on Education.

House bill No. 23, "An act to vacate the streets, alleys, parks and public grounds of the town of Laport, in Doniphan county," was read the third time.

The question being, Shall the bill now pass? and the ayes and noes being called, resulted as follows: Ayes, 61; noes, 0.

Gentlemen voting in the affirmative were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Bat-sell, Bottom, Bradley, Buck, Camp, Campbell, Cavender, Chestnut, Cobb, Cummings, Donaldson, Draper, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Johnston (70th), Jones, Kenner, Lacock, Lingo, Miller, Moore, McBride, McCulloch, Orem, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Strat-ton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

A constitutional majority having voted in favor of the passage of the bill, so the bill passed, and

The title was agreed to.

House bill No. 37, "An act regulating the granting of pardons," was read the third time.

The question being, Shall the bill pass? the ayes and noes being called, the vote resulted as follows:

Ayes, 62; noes, 1.

Gentlemen voting in the affirmative were—

Messrs. Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Buck, Camp, Campbell, Cavender, Chestnut, Cobb, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Johnston (70th), Jones, Kenner, Lacock, Lingo, Miller, Moore, McBride, McCulloch, Otem, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thomas, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th).

Mr. Wood voted in the negative.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed, and

The title was agreed to.

Mr. Emery offered the following substitute for title of bill No. 21, which was agreed to: "An act to vacate the streets, alleys and public grounds in certain towns."

House bill No. 41, "An act to legalize a certain deed," was read the third time.

The question being, Shall the bill pass?

The ayes and noes being called, resulted as follows:

Ayes, 49, noes, 13.

Gentlemen voting in the affirmative were—

Messrs. Ayers, Barnes (21st), Belding, Bottom, Bradley, Buck, Campbell, Camp, Cavender, Chestnut, Cobb, Donaldson, Ellis, Eskridge, Evans, Fleming, Fox, Freeland, Fullington, Grover, Hawks, Hersey, Hidden, Hollinberg, Hutchins, Johnston (70th), Jones,

Kenner, Lacock, Lingo, Miller, Moore, McBride, McCulloch, Reynolds, Rogers (54th), Rogers (60th), Snook, Sternberg, Stephens, Stone, Stratton, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Wood.

Gentlemen voting in the negative were—

Messrs. Barnes (8th), Batsell, Draper, Forman, Frost, Houts, Orem, Pickering, Saqui, Smith, Taylor, Williams (9th), Williams (18th).

Mr. Cobb, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER—The Committee on Engrossed Bills have examined bill No. 106, "An act to amend an act supplemental to an act to provide for the assessment and collection of taxes."

Bill No. 73, an act entitled "An act detaching the county of Clay from the county of Davis, and attaching the same to the county of Riley."

Bill No. 98, "An act concerning mutilated, lost and destroyed bonds," and bill No. 12, "An act to establish and locate an institution for the education of the deaf and dumb, at Leroy, in Coffey county," and find the same correctly engrossed.

DAVID R. COBB,

*Chairman.*

Bill No. 12, "An act to establish and locate an institution for the education of the deaf and dumb, at Leroy, in Coffey county, Kansas," was read the third time.

The question being, Shall the bill pass?

The ayes and noes being called, resulted as follows:

Ayes, 46; noes, 12.

Gentlemen voting in the affirmative were—

Messrs. Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Camp, Campbell, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Ellis, Eskridge, Fleming, Fox, Freeland, Hersey, Hidden, Hollinberg, Hutchins, Kenner, Lacock, Lingo, Miller, Moore, McBride, McCulloch, Orem, Pickering, Saqui, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Trower, Twombly, Wakefield, Walker, Williams (9th), Wood.

Gentlemen voting in the negative were—

Messrs. Bradley, Buck, Evans, Forman, Frost, Grover, Hawks, Houts, Rogers (54th), Rogers (60th), Smith, Throckmorton, Williams (18th).

A constitutional majority having voted in favor of the passage of the bill,

And so the bill passed, and

The title was agreed to.

House bill No. 106, "An act to amend an act to provide for the assessment and collection of taxes," was read the third time.

The question being, Shall the bill pass?

And the ayes and noes being called, resulted as follows:

Ayes, 45; noes, 13.

Gentlemen voting in the affirmative were—

Messrs. Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Donaldson, Ellis, Emery, Eskridge, Fox, Freeland, Frost, Fullington, Grover, Hollinberg, Hutchins, Johnson (1st), Jones, Lacock, Miller, Moore, McBride, McGulloch, Reynolds, Rogers (60th), Smith, Sternberg, Stone, Stratton, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Gentlemen voting in the negative were—

Messrs. Bradley, Cobb, Draper, Evans, Fleming, Forman, Hawks, Lingo, Pickering, Rogers (54th), Saqui, Snook, Stephens.

A constitutional majority having voted for the passage of the bill,

So the bill passed, and

The title was agreed to.

House bill No. 73, an act entitled "An act detaching the county of Clay from the county of Davis, and attaching the same to the county of Riley," was read the third time.

The question being, Shall the bill pass? the ayes and noes being called, resulted as follows:

Ayes, 46; noes, 11.

Gentlemen voting in the affirmative were—

Messrs. Ayers, Barnes (8th), Barnes (21st), Batsell, Bottom, Bradley, Campbell, Cavender, Chestnut, Craig, Cobb, Ellis, Emery, Eskridge, Fleming, Forman, Fox, Freeland, Frost, Fullington,

Grover, Hawks, Hollinberg, Houts, Hutchins, Johnson (1st), Miller, McBride, McCulloch, Pickering, Reynolds, Rogers (60th), Saqui, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Thoman, Trower, Twombly, Wakefield, Walker, Williams (9th), Wood.

Gentlemen voting in the negative were—

Messrs. Belding, Buck, Camp, Draper, Evans, Jones, Lingo, Orem, Rogers (60th), Throckmorton, Williams (18th).

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed, and

The title was agreed to.

House bill No. 98, "An act concerning mutilated, lost and destroyed bonds," was read the third time.

The question being, Shall the bill now pass? and the ayes and noes being called, resulted as follows:

Ayes, 54; noes, 2.

Gentlemen voting in the affirmative were—

Messrs. Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Draper, Drenning, Ellis, Emery, Eskridge, Evans, Fleming, Fox, Freeland, Frost, Grover, Hawks, Hidden, Hollinberg, Houts, Hutchins, Johnson (1st), Jones, Lingo, Miller, McBride, McCulloch, Orem, Reynolds, Rogers (60th), Saqui, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Pickering and Rogers (60th) voted in the negative.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

The House resolved itself into Committee of the Whole, for the consideration of bills Nos. 96, 100, 102, 108 and 109, Mr. Bottom in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back to the House bill No. 96, and recommended that it be printed, and it be made the special order for one week from to-day.

Also, bill No. 100, and recommended its passage;  
Bill No. 102, and recommended the enacting clause be stricken out;

Bill No. 108, and recommended its passage;

Bill No. 109, be referred to a special committee of three;

Bill No. 110, and recommended that it take its place upon the calendar.

Report of the Committee of the Whole agreed to.

Bills reported favorably were ordered to be engrossed for a third reading.

Mr. Ellis, from the Committee on Printing, made the following report:

MR. SPEAKER—The Committee on Printing, to whom was referred the letters of the Secretary of State and John Speer, Esq., upon the subject of the printing of the public documents ordered by this House, would respectfully report that, by an examination of the law on the subject, they find that there is no special time for the printing of said public documents, and if so, the Secretary of State, Auditor and Treasurer have exclusive control of the matter.

T. H. ELLIS,  
*Chairman.*

On motion of Mr. Wood,

The Committee on Printing was requested to report a bill fixing the time for publishing the public documents.

On motion, the House adjourned.

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#### AFTERNOON SESSION.

2 O'CLOCK, P. M.

House called to order.

Speaker in the chair.

Quorum present.

The House resolved itself into Committee of the Whole for the

consideration of bills Nos. 111, 113, 116, 117, 120 and 84, Mr. Bottom in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back to the House bill No. 111, and recommended its passage;

Bill No. 113, and recommended its passage;

Bill No. 116, and recommended its passage as amended;

Bill No. 117, referred back to the House with the recommendation that it be printed and take its place on the calendar.

Also, bill No. 120, and recommended the passage of the substitute.

Bill No. 84, and recommended its passage as amended.

Report of the Committee of the Whole agreed to.

Bills reported favorably were ordered to be engrossed.

Mr. Eskridge, chairman *pro tem.*, from the Committee on County Seats and County Lines, by consent, made the following report:

MR. SPEAKER—Your Committee on County Seats and County Lines, to whom was referred bill No. 196, "An act defining the boundaries of Douglas county," have had the same under consideration, and instruct me to report the same back without recommendation, and that it be printed.

C. V. ESKRIDGE,

*Chairman, pro tem.*

The House resolved itself into Committee of the Whole for the consideration of special order, being bill No. 155, and House joint resolution No. 3, Mr. Camp in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back to the House bill No. 155, and recommended its passage as amended.

House joint resolution No. 3, and reported the same back without recommendation.

The report of the Committee of the Whole was agreed to.

Bills reported favorably were ordered to be engrossed for a third reading.

The following message was received from the Senate:

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has adopted concurrent resolution No. 10, memorializing Congress to grant lands in lieu of sections 16 and 36, sold by the United States as trust lands for the benefit of certain Indian tribes.



The Senate has ordered the printing of bill No. 45, "An act providing for the election of county attorneys, and prescribing their duties."

Also, of bill No. 164, "An act to abolish grand juries, and to provide for the trial of offenses upon information."

JOHN T. MORTON,

*Secretary of Senate.*

Concurrent resolutions memorializing Congress to grant school lands to the State of Kansas, in lieu of the 16th and 36th sections, sold as trust lands by the United States for the benefit of certain Indian tribes:

WHEREAS, Great injustice has been done the State of Kansas by the sale of the 16th and 36th sections of certain public lands within said State, for the benefit of certain Indian tribes, to the prejudice of the educational interests of said State; and, whereas, the children of said State are thus deprived of what is justly their birthright; therefore, be it

*Resolved by the House of Representatives of the State of Kansas, (the Senate concurring therein,)* That the President and Congress of the United States are hereby earnestly requested to grant to the State of Kansas, in lieu of the 16th and 36th sections of the public lands, sold for the benefit of the said Indian tribes, other lands, equal in quantity to those so sold, to be selected from any surveyed lands of the United States, within this State, subject to sale or pre-emption in such manner, and subject to such regulations as may be prescribed by law.

2nd. That the Secretary of State be instructed to forward copies of these resolutions to our Senators and Representatives in Congress, and that they be requested to introduce a bill into Congress for the purpose herein indicated.

By consent, bill No. 196 was referred back to the Committee on County Seats and County Lines.

On motion, the House adjourned to 7 o'clock this evening.

## EVENING SESSION.

7 O'CLOCK, P. M.

House called to order.

Speaker *pro tem.* in the chair.

Quorum present.

By consent, Mr. Forman, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER—The Committee on Enrolled Bills have examined House bill No. 42, entitled "An act making appropriation for the current Legislative expenses for the year 1864," and have found the same correctly enrolled.

JOHN W. FORMAN,

*Chairman.*

The House resolved itself into Committee of the Whole for the consideration of special order, being House joint resolution No. 3, Mr. Lacock in the chair.

After some time spent therein the committee arose, and, through their chairman, reported back to the House, joint resolution No. 3, and reported progress, and asked leave to sit again.

Report of the Committee of the Whole was agreed to.

On motion, House joint resolution No. 3 was made the special order for to-morrow evening, at 7 o'clock, P. M.

On motion the House adjourned.

## MORNING SESSION.

FRIDAY, FEB. 5, 1864, 10 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Barnes, Brumbaugh, Buck.

Prayer by the Rev. M. Preston.

On motion, the reading of the journal was dispensed with.

Mr. Smith, from Committee on Education, made the following report:

MR. SPEAKER—The Committee on Education, to whom was referred bill No. 198, entitled "An act authorizing School District No. 1, in Coffey county, to issue bonds," have had the same under consideration, and instruct me to report the same back, and recommend that it pass, but that it should not be printed.

JAMES N. SMITH,

*Chairman.*

The following message was received from the Senate, and taken up:

MR. SPEAKER—I am instructed by the Senate to inform the House that the Senate has passed bill No. 66, "An act to authorize the board of County Commissioners of Shawnee county to issue bonds for the purpose of building a bridge across the Kansas river," with the amendments herewith transmitted, in which the concurrence of the House is respectfully requested.

Also, bill No. 1, "An act relating to records and proceedings in Douglas county," with amendments herewith transmitted, in which the concurrence of the House is respectfully requested.

Also, bill No. 70, "An act to amend an act to incorporate the city of Marysville," with one amendment, in which the concurrence of the House is respectfully requested.

Senate amendment to bill 66:

In first section, after word "exceeding," strike out "one hundred," and insert "sixty."

In section 6, strike out "may," and insert "and coupons of the same shall at maturity."

Insert the following as sections 7 and 8, and change section 7 to section 9:

"Sec. 7. Said bonds, or the proceeds thereof, shall not be used for any other purposes except the construction of a bridge across the Kansas river, or for the purposes of taking stock in some corporation having for its sole object the building of a bridge across the Kansas river; and any officer or officers who shall apply, appropriate to or use any of the said bonds, or the proceeds thereof, to any other purpose or object than the purpose specified in this section, shall be deemed guilty of a misdemeanor, and fined in a sum not less than double the amount of the money or bonds thus misappropriated, and imprisoned at hard labor not less than one year: *Provided, however,* that funds received as the proceeds of said bonds may be applied to the redemption of said bonds.

"Sec. 8. On any bridge, in the construction of which said bonds, or the proceeds thereof, shall be used, such tolls may be collected as the Board of County Commissioners of Shawnee shall from time to time prescribe."

First section, after the word "exceeding," strike out "one hundred" and insert "sixty."

Senate amendments to bill No. 1:

Section one, first line, between "any" and "persons," insert "persons or."

Section one, fifteenth line, between "and" and "containing," strike out "as."

Section ten, seventh line, strike out "and as to him."

Section sixteen, fifth line, strike out figures "14," and insert the word "fourteen."

Section sixteen, eighth line, insert "service," at the beginning of the line.

Section sixteen, ninth line, strike out "producing," and insert "procuring."

Section fifteen, fourth line, between "what." and "they," insert "each believes."

Section nineteen, seventh line, strike out "his" and insert "the same."

Section 22, 4th line, after "Lawrence," and before "and," insert "in the said county of Douglas, to wit: the *Kansas State Journal* and *Kansas Weekly Tribune*."

Insert the following, as section 21, and change the section 22 to 23:

"Section 21. In any proceeding under the provisions of this act, to establish any judgment, order or proceeding, or to substitute any paper or papers in an affidavit attached to the paper filed in said proceeding by the party moving therein, he shall show whether there are, to his knowledge, any copy or copies of said judgment, order or proceeding or paper to be substituted or established, and, if he should know of any such copies, the same or another thereof shall be attached to and filed with said affidavit; and, in any new action to be commenced under the provisions of this act, the pleadings shall, if a copy of the original pleadings can be obtained, be the same as they were in the original action, and if said copies cannot be obtained, then an affidavit shall be attached thereto, made by the attorney by whom the same is filed, that he knows of no copy of such pleading, and that the said pleading sets forth the same cause of action or defense, only that was contained in the original pleading, and in the same manner, as nearly as said affidavit can make the same. If the court shall be satisfied that the said pleading in any respect fails to state the same cause of action or defense that was contained in the original pleading, or in the pleading in the original action, or that each cause of action or defense is differently stated, the court shall require the same to be made to conform to said originals, as near as can be done."

I am also instructed to inform the House of Representatives that the Senate has concurred in the report of the committee of conference on the disagreeing votes of the two Houses on bill No. 42, "An act making appropriation for the current expenses of the year 1864."

JOHN T. MORTON,

*Secretary of Senate.*

The House concurred in Senate amendments to bill No. 66, "An act to authorize Shawnee county to issue bonds for the purpose of building a bridge across the Kansas river."

The ayes and noes being called, with the following result:

Ayes, 63; noes, 3.

Gentlemen voting in the affirmative were—

Messrs. Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Buck, Camp, Campbell, Cavender, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Freeland, Frost, Fullington, Grover, Hawks, Hersey, Hidden, Hollinberg, Hutchins, Irwin, Johnson (1st), Johnston (70th), Jones, Lacock, Lingo, Moore, McBride, McCulloch, Orem, Reynolds, Rogers (60th), Saqui, Saunders, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th).

Gentlemen voting in the negative were—

Messrs. Fox, Houts, Smith.

Mr. Moore, from Committee on Corporations other than Banks, made the following report:

MR. SPEAKER—The Committee on Corporations other than Banks, to whom was referred bill No. 191, entitled "An act to provide for the incorporation of fire, marine and life insurance companies," approved March 3, 1863, have had the same under consideration, and direct me to report the same back to the House, and recommend the passage of the following substitute, and that it be printed.

GEO. A. MOORE,

*Chairman.*

The House concurred in Senate amendments to bill No. 1, "An act relating to records and proceedings in Douglas county."

The ayes and noes being called, resulted as follows:

Ayes, 38; noes, 1.

Gentlemen voting in the affirmative were—

Messrs. Ayers, Barnes (21st), Belding, Batsell, Bottom, Bradley, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cummings, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Fleming, Forman, Fox, Freeland, Frost, Fullington, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th), Jones, Lacock, Lingo, Moore, McBride, McCulloch, Orem, Reynolds, Rogers (60th), Saqui, Saunders, Smith, Snook,

Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Wood.

Mr. Barnes (8th), voted in the negative.

So the amendments were concurred in.

Mr. Cobb, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER—The Committee on Engrossed Bills have examined bill No. 100, "An act to amend an act respecting executors and administrators," bill No. 108, "An act relating to the endowment of the State University," and bill No. 111, "An act to encourage the organization of fire companies," and find the same correctly engrossed.

DAVID R. COBB,

*Chairman.*

Mr. Rorman offered the following resolution, which was adopted:

*Resolved*, That the Speaker of the House be and he is hereby authorized to appoint one or more assistant enrolling clerks, when the services of the same shall be needed.

FORMAN.

On motion of Mr. Wood,

Bill No. 186, "An act to organize and discipline the militia," was Referred to Committee on Militia.

Mr. Lacock moved that bills Nos. 190 and 199, be made the special order for next Monday, at 2 o'clock.

The following concurrent resolution, offered on previous day, in relation to joint convention to elect a United States Senator, was taken up.

Mr. Wood moved the adoption of the resolution, and moved the previous question.

The ayes and noes being called, a call of the House was demanded.

The Sergeant-at-Arms was ordered to bring in absentees.

On motion of Mr. Wood,

Further proceedings under the call of the House were dispensed with.

The question recurring on the adoption of the resolution,

The previous question was demanded, with the following result:

Mr. Brumbaugh was excused from voting.

Ayes, 30.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (8th), Belding, Bottom, Bradley, Buck, Camp, Campbell, Chestnut, Craig, Cummings, Drenning, Ellis, Fleming, Fox, Freeland, Glick, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Jones, Lacock, Miller, Moore, McBride, McCulloch, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Trower, Twombly, Walker, Williams (9th), Wood.

Nays, 19.

Gentlemen voting nay were—

Messrs. Batsell, Cavender, Donaldson, Draper, Emery, Eskridge, Evans, Forman, Frost, Fullington, Grover, Hawks, Johnston (70th), Lingo, Orem, Saunders, Throckmorton, Wakefield.

And so the motion was carried.

Mr. Jones moved to reconsider.

Mr. Wood moved to lay the motion on the table.

Carried.

The question coming upon the adoption of the resolution,

The ayes and noes being demanded, with the following result:

Ayes, 48.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (8th), Belding, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Chestnut, Craig, Cummings, Drenning, Ellis, Fleming, Forman, Fox, Freeland, Glick, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Lacock, Miller, Moore, McBride, McCulloch, Pickering, Rogers (54th), Rogers (60th), Saqui, Smith, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Trower, Twombly, Walker, Williams (9th), Wood.

Noes, 24.

Gentlemen voting no were—

Messrs. Barnes (21st), Batsell, Cavender, Cobb, Donaldson, Draper, Emery, Eskridge, Evans, Frost, Fullington, Grover, Hawks, Johnston (70th), Jones, Kenner, Lingo, Orem, Saunders, Sternberg, Throckmorton, Wakefield, Williams (18th), Mr. Speaker.

And so the resolution was adopted.

Mr. Brumbaugh moved a reconsideration of the vote,



Mr. Wood moved to lay the motion on the table.

Declared out of order.

Mr. Brumbaugh occupying the floor.

Upon which, an appeal from the decision of the chair was taken.

The ayes and noes being demanded, resulted as follows :

Ayes, 30.

Gentlemen voting aye were—

Messrs. Barnes (21st), Batsell, Brumbaugh, Campbell, Cobb, Donaldson, Draper, Emery, Eskridge, Evans, Frost, Fullington, Grover, Hawks, Johnston (70th), Jones, Kenner, Lingo, Miller, McCulloch, Orem, Saunders, Smith, Sternberg, Stephens, Stone, Throckmorton, Wakefield, Williams.

Nays, 39.

Gentlemen voting no were—

Messrs. Belding, Bottom, Bradley, Buck, Camp, Cavender, Chestnut, Craig, Drenning, Ellis, Fleming, Fox, Freeland, Glick, Grover, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Lacock, Moore, McBride, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Snook, Stratton, Taylor, Thoman, Trower, Twombly, Walker, Williams (9th), Wood.

And so the decision of the chair was not sustained.

The question recurring on the motion to lay on the table,

The ayes and noes being demanded, resulted as follows :

Ayes, 48.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (8th), Belding, Bottom, Bradley, Buck, Camp, Chestnut, Craig, Cobb, Cummings, Drenning, Ellis, Fleming, Forman, Fox, Freeland, Glick, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Jones, Lacock, Miller, Moore, McBride, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Smith, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Trower, Twombly, Walker, Williams (9th), Wood.

Nays 23.

Gentlemen voting nay were—

Messrs. Barnes (21st), Brumbaugh, Campbell, Cavender, Donaldson, Draper, Emery, Eskridge, Evans, Frost, Fullington, Grover, Hawks, Johnston (70th), Kenner, Lingo, McCulloch, Orem, Saunders, Sternberg, Throckmorton, Wakefield, Williams (18th).

And so the motion was laid on the table.

On motion, the House adjourned.

### AFTERNOON SESSION.

TWO O'CLOCK, P. M.

House called to order.

Speaker in the chair.

Quorum present.

Mr. Wood moved that, when the House adjourned after the evening session, it stand adjourned until Monday, at 2 o'clock,

Which was adopted.

Mr. Cobb, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER—The committee on Engrossed Bills [have examined bill] No. 155, "An act supplemental to an act entitled 'An act to regulate elections, and to prescribe the qualifications of electors, and to prevent illegal voting,' approved June 3rd, 1861, to enable electors of Kansas, absent from the township or — of which they are resident, in the military service of the United States, to exercise the right of suffrage," bill No. 113, "An act to establish the fees of the Sheriffs of the several counties, for conveying prisoners to the penitentiary, and providing for their payment," bill No. 116, "An act to prevent dogs from running at large after they have been bitten by a mad dog," bill No. 84, "An act to change the terms of the District Court in the third judicial district," and bill 120, "An act supplemental to an act entitled 'An act to establish a code of civil procedure,'" and find the same correctly engrossed.

DAVID R. COBB,

*Chairman.*

Mr. Moore, by consent, withdrew bill No. 192.

Mr. Forman, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER—The Committee on Enrolled Bills ask leave to report that House bill No. 42, entitled "An act making appropriations for the current Legislative expenses for the year 1864," was placed in the hands of the Governor, for his consideration, on Thursday, Feb. 4th, 1864.

JOHN W. FORMAN,

*Chairman.*

Mr. Bottom introduced bill No. 207, entitled "An act to revive an act to establish and charter a ferry across the Missouri river, at Wyandotte, approved Feb. 2, 1858, and an act to amend an act entitled 'An act to establish and charter a ferry across the Missouri river, at Wyandotte,' approved Feb. 11, 1859."

Read the first time.

Mr. Chestnut introduced bill No. 203, entitled "An act to provide for the erection in part of the State Insane Asylum at Osawatomic."

Read first time.

Mr. Fox introduced bill No. 204, entitled "An act to enlarge the boundaries of Shawnee county."

Read first time.

Mr. Emery introduced bill No. 205, entitled "An act to incorporate the Leavenworth, Lawrence and Fort Gibson Railroad Company."

Read the first time.

Mr. Bottom introduced bill No. 206, entitled "An act to encourage the building of a bridge across the Kansas river, at the city of Wyandotte."

Read first time.

House bill 200, "An act in relation to aliens," was read second time, and

Referred to the Committee on Judiciary.

House bill 201, "An act to authorize the re-assessment of real estate in Douglas county," was read the second time, and

Referred to Committee on Judiciary.

House bill 202, "An act in reference to the Quindaro and Salina State road," was read second time, and

Referred to Committee on Roads and Highways.

House joint resolution No. 6, to provide for cancelling State warrants, was read second time, and

Referred to Committee on Judiciary.

House joint resolution No. 7, in relation to the election of United States Senator," was read second time, and

Referred to Committee on Federal Relations.

Bills on third reading:

- House bill 100, "An act amending an act respecting executors and administrators," was read third time.

The question being, Shall the bill pass?

The ayes and noes being called, resulted as follows:

Ayes, 54.

Gentlemen voting in the affirmative were—

Messrs. Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Cummings, Emery, Eskridge, Evans, Fleming, Fox, Freeland, Frost, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Jones, Lacock, Lingo, Moore, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Smith, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Noes, 0.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed, and

The title was agreed to.

House bill 109, "An act relating to the endowment fund of the State University," was read third time.

The question being, Shall the bill pass?

The ayes and noes being called, resulted as follows:

Ayes, 55.

Gentlemen voting in the affirmative were—

Messrs. Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Buck, Camp, Campbell, Cavender, Chestnut, Cummings, Emery, Eskridge, Evans, Fleming, Fox, Freeland, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Jones, Lacock, Lingo, Moore, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton,

Trower, Twombly, Wakefield, Walker, Williams (9th) and Wood. Noes, 0.

A constitutional majority having voted for the passage of the bill, So the bill passed, and The title was agreed to.

House bill 111, "An act to encourage the organization of [fire] companies," was read third time.

The question being, Shall the bill pass?

The ayes and noes being called, resulted as follows:

Ayes, 48.

Gentlemen voting in the affirmative were—

Messrs. Ayers, Barnes (21st), Belding, Bottom, Bradley, Buck, Camp, Campbell, Cavender, Chestnut, Cummings, Donaldson; Drenning, Eskridge, Evans, Forman, Fox, Freeland, Grover, Hawks, Hersey, Hollinberg, Houts, Hutchins, Jones, Lacock, Moore, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Twombly, Wakefield, Williams (9th), Wood.

Noes, 6.

Gentlemen voting in the negative were—

Messrs. Barnes (8th), Batsell, Fleming, Lingo, Walker, Williams (18th).

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House bill 113, "An act to establish the fees of sheriffs of the several counties for conveying prisoners to the penitentiary, and providing for their payment," was read the third time.

The question being, Shall the bill pass? the ayes and noes being called, the vote resulted as follows:

Ayes, 51.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Buck, Camp, Campbell, Cavender, Chestnut, Cummings, Donaldson, Draper, Drenning, Eskridge, Evans, Fleming,

Forman, Fox, Freeland, Fullington, Grover, Hersey, Hidden, Hollinberg, Hutchins, Lacock, Lingo, Moore, McCulloch, Rogers (54th), Rogers (60th), Saqui, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Nays, none.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed, and

The title was agreed to.

The following communication was received from the Governor:

STATE OF KANSAS, EXECUTIVE OFFICE, }  
TOPEKA, February 5, 1864. }

*To the House of Representatives:*

I have this day approved bill No 2, "An act making appropriations for the current legislative expenses for the year 1864."

THOMAS CARNEY.

House bill No. 111, "An act to prevent dogs from running at large that have been bitten by a mad dog," was read the third time.

The question being, Shall the bill now pass? and the ayes and noes being called, resulted as follows:

Ayes, 46.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (1st), Belding, Batsell, Bottom, Bradley, Buck, Camp, Donaldson, Draper, Drenning, Emery, Eskridge, Fleming, Forman, Fox, Freeland, Grover, Hawks, Hersey, Hidden, Hollinberg, Hutchins, Irwin, Lacock, Miller, Moore, McCulloch, Orem, Rogers (60th), Saqui, Smith, Snook, Sternberg, Stephens, Stone, Taylor, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Nays, 6.

Gentlemen voting nay were—

Messrs. Evans, Frost, Johnston (70th), Pickering, Rogers (54th).

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House bill No. 120, "An act supplemental to an act entitled "An act to establish a code of civil procedure," was read the third time.

The question being, Shall the bill now pass? and the ayes and noes being called, resulted as follows:

Ayes, 51.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Camp, Cavender, Chestnut, Draper, Drenning, Emery, Eskridge, Fleming, Forman, Fox, Freeland, Frost, Fullington, Grover, Hawks, Hidden, Hollinberg, Hutchins, Irwin, Lacock, Miller, Moore, McCulloch, Orem, Pickering, Rogers (54th), Rogers (60th), Saqui, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams, (9th), Williams (18th), Wood.

Noes, none.

A constitutional majority having voted in favor of the passage of the bill, so the bill passed, and

The title was agreed to.

House bill No. 80, "An act to change the terms of the District Court in the third judicial district," was read the third time.

The question being, Shall the bill pass? the ayes and noes being called, resulted as follows:

Ayes, 55.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Camp, Cavender, Chestnut, Draper, Drenning, Emery, Eskridge, Fleming, Fox, Freeland, Frost, Fullington, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnston (70th), Kenner, Lacock, Lingo, Miller, Moore, Orem, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Noes, 0.

A constitutional majority having voted in favor of the passage of the bill,

And so the bill passed, and

The title was agreed to.

House bill No. 155, "An act supplemental to an act entitled 'An act to regulate elections, and to prescribe the qualifications of electors, and to prevent illegal voting,' approved June 3rd, 1861, to enable electors of Kansas, absent from the townships or wards of which they are residents, in the military service of the United States, to exercise the right of suffrage," was read third time.

The question being, Shall the bill pass?

And the ayes and noes being called, resulted as follows:

Ayes, 60.

Gentlemen voting in the affirmative were—

Messrs. Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Donaldson, Drenning, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Johnston (70th), Jones, Kenner, Lacock, Lingo, Miller, Moore, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood and Mr. Speaker.

Noes, 1.

Gentleman voting no was Mr. Orem.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed, and

The title was agreed to.

Mr. Forman, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER—The Committee on Enrolled Bills have examined bill No. 81, entitled "An act to amend an act entitled 'An act to incorporate cities of the State of Kansas,' approved March 4, 1862," and have found the same correctly enrolled.

JOHN W. FORMAN,

*Chairman.*

The House resolved itself into Committee of the Whole, for the consideration of bills Nos. 86, 114 and 34, Mr. Barnes in the chair.

After some time spent therein, the committee arose, and, through



their chairman, reported back to the House bill No. 86, and recommended its passage;

Bill No. 114, and recommended the passage of the substitute;

Bill No. 34, and recommended its passage.

The report of committee was agreed to.

Bills reported favorably were ordered to be engrossed.

The House resolved itself into Committee of the Whole, for the consideration of bills Nos. 110, 123, 124 and 129, Mr. Lingo in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back to the House bill No. 110, and recommended that it be referred to special committee of one, consisting of Mr. Barnes;

Bill 122, and recommended the enacting clause be stricken out;

Bill No. 123, and recommended its passage;

Bill No. 129, reported progress, and asked leave to sit again.

Report of committee agreed to.

Bills reported favorably upon were ordered to be engrossed for a third reading.

The following message was received from the Senate.

There not being a quorum present,

The House was declared adjourned.

#### EVENING SESSION.

7 O'CLOCK, P. M.

House called to order.

Mr. Saunders, Speaker *pro tem.*, in the chair.

Quorum present.

Mr. Rogers, by consent of the House, presented a remonstrance of

Mr. Schuyler, of Osage county, and others, remonstrating against the election of United States Senator.

Referred to Committee on Federal Relations.

The House resolved itself into Committee of the Whole, for the consideration of House joint resolution No. 3, Mr. Lacock in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back to the House joint resolution No. 3, and recommended its rejection.

The question being on agreeing to the report of the committee,

The ayes and noes were demanded, and

The ayes and noes being called, resulted as follows:

Ayes, 37.

Gentlemen voting in the affirmative were—

Messrs. Ayers, Batsell, Bottom, Bradley, Campbell, Craig, Cobb, Drenning, Ellis, Emery, Eskridge, Evans, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Kenner, Lingo, Miller, McCulloch, Pickering, Saqui, Saunders, Sternberg, Stephens, Stone, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (18th), Wood.

Noes, 19.

Gentlemen voting in the negative were—

Messrs. Barnes (21st), Belding, Camp, Cavender, Chestnut, Donaldson, Eskridge, Fox, Fullington, Johnston (70th), Lacock, Moore, Orem, Reynolds, Rogers (60th), Smith, Snook, Williams (9th).

So the report of the Committee of the Whole was agreed to.

On motion, the House adjourned until 2 o'clock, Monday.

MONDAY, FEBRUARY 8, 1864, 2 o'clock, P. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Prayer by the Rev. Mr. Alward.

Journal of Friday read and approved.

Mr. Ellis, by consent, introduced bill No. 208, entitled "An act to authorize county commissioners to loan certain money therein named, to townships."

Read first time.

Mr. Orem presented petition of John Grover, in reference to herding or fencing cattle.

Referred to Committee on Agriculture.

Mr. Ayers, from Committee on Roads and Highways, made the following report:

MR. SPEAKER—The Committee on Roads and Highways, to whom was referred bill No. 202, with the accompanying petition, praying for a change in location of the Quindaro and Salina road, have had the same under consideration, and instruct me to report the same back and recommend that the prayer of the petitioners be granted, and that the bill pass.

S. AYERS,

*Chairman.*

Mr. Moore, from Committee on Corporations other than Banks, made the following report:

MR. SPEAKER—The Committee on Corporations other than Banks, to whom was referred bill No. 191, entitled "An act to provide for the incorporation of fire, marine and life insurance companies, approved March 3, 1863," has had the same under consideration and directs me to report it back to the House and recommend the passage of the following substitute, and that it be printed.

GEO. A. MOORE,

*Chairman.*

Mr. Smith, from Committee on Education, made the following report:

MR. SPEAKER—The Committee on Education, to whom was referred bill No. 184, entitled "An act relating to a reform in spelling in the English language," have had the same under consideration, and instruct me to report the same back to the House and recommend that the accompanying substitute pass, and that it should not be printed.

JAMES N. SMITH,

*Chairman.*

Mr. Forman, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER—The Committee on Enrolled Bills ask leave to report that bill No. 81, "An act to amend an act entitled 'An act to incorporate cities of the State of Kansas,' approved March 4, 1862," was placed in the hands of the Governor, on Saturday, February 6, 1864.

Also, that they have examined the following bills and find them correctly enrolled, to wit:

Bill No. 66, "An act to authorize the Board of County Commissioners of Shawnee county to issue bonds for the purpose of building a bridge across the Kansas river."

Bill No. 70, "An act to amend an act entitled 'An act to incorporate the city of Marysville.'"

Bill No. 1, "An act relating to records and proceedings in the county of Douglas."

Bill No. 36, "An act to accept a grant of lands made to the State of Kansas by the Congress of the United States, to aid in the construction of certain railroads and telegraphs in said State, and to apply the same to the construction of said roads and telegraphs."

JOHN W. FORMAN,

*Chairman.*

Mr. Cobb, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER—The Committee on Engrossed Bills have examined bill No. 123, "An act to protect buffalo," bill No. 86, "An act to establish the western boundary of Davis county;" bill No. 211, "An act to establish the eastern boundary of Morris county;" bill No. 124, "An act to amend an act entitled 'An act exempting certain property from sale under execution or other process;'" and

bill No. 114, "An act to establish the eastern boundary of Dickinson county," and find the same correctly engrossed.

DAVID R. CORB,

*Chairman.*

Mr. Wood, from special committee, made the following report:

MR. SPEAKER—The special committee, to whom was referred bill No. 109, entitled "An act concerning deeds and mortgages," have had the same under consideration, and instruct me to report it back, with a substitute, and recommend the passage of the substitute.

S. N. WOOD,

*Chairman.*

Mr. Wood, from the Committee on Militia, made the following report:

MR. SPEAKER—The Committee on Militia, to whom was referred bill No. 186, entitled "An act providing for the organization, discipline and pay of the militia," have had the same under consideration, and instruct me to report the accompanying substitute, and recommend the passage of the substitute.

S. N. WOOD,

*Chairman.*

Mr. Wood, from the Committee on Militia, made the following report:

MR. SPEAKER—The Committee on Militia, to whom was referred the message of the Governor endorsing a petition of George Ford and others, of Lawrence, asking that a battalion of militia be raised and stationed at Lawrence, have had the same under consideration, and instruct me to report the same back, and ask to be discharged from the further consideration of the subject.

The militia bill reported by the committee, which provides for the organization and pay of the entire militia of the State, and authorizes the Governor to call out any portion into actual service, when he may deem it necessary.

S. N. WOOD,

*Chairman.*

The following communication was received from the Attorney General, which was ordered to be printed:

TOPEKA, KANSAS, OFFICE OF ATTORNEY GEN'L,  
February 4th, 1864.

MR. SPEAKER—I have considered bill No. 93, entitled "An act

to amend an act supplemental to an act to provide for the assessment and collection of taxes," as requested by the House, and am of opinion that section 1 is unconstitutional.

The purpose of said section is to exempt from taxation certain portions of real estate.

Section 1 of article 11 of the constitution requires that all property not thereby specifically exempted shall be taxed by a rate uniform and equal.

The property thus exempted consists of that used for public and charitable purposes, and personal property to a certain extent.

To make the rate uniform and equal, all kinds of property not exempted must be taxed according to its value. Improvements upon land is a part of the realty, and therefore constitutes in part the value of the land.

Said section seems to contemplate making such improvements personal property, for by no other plan can such property be exempted from taxation. The exemptions contained in the constitution are of such property as was, at the time of the adoption of the constitution, known as public, charitable or personal property. No law can now be made which will include within the exemptions property not then so known.

As well might a grain mill be declared a church, and thus bring that kind of property within the exemptions, as to attempt to declare a portion of real estate personal property, to avoid a constitutional provision.

The principle in the question submitted to me was settled in the Supreme Court of Ohio, in case of *Banks vs. Hines*, 3d Ohio St., Rep., and *Matheney vs. Treasurer of Athens county*, 5th Ohio St., adversely to its constitutionality.

Respectfully,

W. W. GUTHRIE,

*Attorney General.*

The following message was received from the Senate:

MR. SPEAKER—I am instructed to inform the House of Representatives that the Senate has passed bill No. 36, "An act to accept a grant of lands made to the State of Kansas by the Congress of the United States, to aid in the construction of certain railroads and

telegraphs in said State, and to apply the same to the construction of said roads and telegraphs."

Also, that the Senate has adopted Senate concurrent resolution No. 9, "Preamble and concurrent resolutions concerning the school lands of the State of Kansas," in which the concurrence of the House is respectfully requested.

JOHN T. MORTON,  
*Secretary of Senate.*

Senate concurrent resolution No. 9.

Preamble and concurrent resolutions concerning the school lands of the State of Kansas, were taken up, and

Referred to Committee on Internal Improvement.

The following message was received from the Senate:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed bill 68, "An act regulating the manner of holding the April term of the District Court in Nemaha county."

Also, bill No. 82, "An act to authorize the State Auditor to credit Wyandotte county with tax."

Also, (with amendments herewith transmitted), bill No. 67, "An act providing for adopting minor children."

Also, (with amendments herewith transmitted), bill No. 10, "An act for establishing a geological survey."

In which amendments the concurrence of the House is respectfully requested.

I am instructed to inform the House of Representatives that the Senate has concurred in House concurrent resolution No. 15, in reference to joint convention, and that in accordance with the terms of said resolution, the Senate will meet the House of Representatives in the hall of the House, on Tuesday, the 9th day of February, 1864, for the purpose of electing, in joint convention of the two Houses, a United States Senator, for the term commencing March 4, 1865.

JOHN T. MORTON,  
*Secretary of Senate.*

The House concurred in the following Senate amendments to bill No. 10, "An act providing for a geological survey."

Senate amendments to bill No. 10 :

1. Change the title to "An act providing for a geological and mineralogical survey."

2. Strike out section one, and insert: "Sec. 1. The Governor is hereby authorized to appoint, with the consent of the Senate, a State Geologist for the State of Kansas, whose term of service shall commence on the first of March, A. D. 1865."

3. Strike out, in section 4, all after the words "geological survey," and insert, "Provided, that no bill for services rendered or expenses incurred by the State Geologist shall be paid until a detailed statement, specifying the number of days' service and the items of expenses shall be verified by affidavit and approved by the Governor, and filed with the Auditor of State."

4. Insert the following as section 5: "Sec. 5. Before entering upon the duties of his office, the Geologist shall enter into a bond to the State of Kansas in the sum of five thousand dollars, with security to the satisfaction of the Governor of the State, conditioned that he will faithfully and properly perform the duties of his office, and he shall take and subscribe the following oath :

"I ———, State Geologist of the State of Kansas, do solemnly swear that I will support the constitution of the United States and constitution of the State of Kansas, and faithfully discharge the duties of my office as prescribed by law, to the best of my ability."

Change the number of section 5 to section 6, to correspond.

*Resolved by the House of Representatives of the State of Kansas, (the Senate concurring therein,) That the two branches of the Legislature meet in joint convention, on Tuesday, February 9th, 1864, at three o'clock, P. M., in the hall of the House of Representatives, for the purpose of electing a United States Senator, whose term of office commences March 4, 1865.*

Concurred in and adopted by the Senate, February 6th, A. D. 1864.

JOHN T. MORTON,

*Secretary of Senate.*

Mr. Eskridge offered the following concurrent resolution No. 17; in relation to a daily mail from Topeka to Emporia.

Laid over under the rules.



Mr. Wood offered the following concurrent resolution No. 18, asking for a daily mail from Topeka to Council Grove.

Laid over under the rules.

Mr. Wood offered the following resolution, which was laid over under the rules:

WHEREAS, it appears from the report of the Superintendent of Public Instruction, that certain moneys in different counties, appropriated by law for the benefit of schools, in one county to the amount of \$500, has been used for other purposes; therefore,

*Resolved*, That the Committee on Education be instructed to inquire what legislation is necessary, if any, relative to the school fund money, paid exemption from military duty, proceeds of estrays, fines for breach of penal laws, estates of persons dying without heirs.

2d. That the Committee report by bill or otherwise, within three days.

WOOD.

Mr. Cavender offered the following resolution:

WHEREAS, to-morrow is the day that one of the grandest frauds ever known to the history of Kansas is to be perpetrated in electing a United States Senator; therefore, be it

*Resolved*, That the Sergeant-at-Arms be requested to take the national flag down from the top of this hall until said fraud is perpetrated.

Mr. Wood offered the following amendment, which was adopted:

"WHEREAS, the two Houses of the Legislature have determined to go into joint session, on to-morrow, at 8 o'clock, P. M., to elect a United States Senator; therefore,

*Resolved*, That the Sergeant-at-Arms be instructed to remove the old flag now floating over the capitol, and raise in its place the new flag ordered by the House."

On motion of Mr. Lacock,

The use of this hall was granted to Charles Clarkson, for to-morrow evening, at 7 o'clock, for the purpose of delivering a lecture on education.

The following communication was received from the Governor:

STATE OF KANSAS, EXECUTIVE DEPARTMENT, }  
TOPEKA, February 8, 1864. }

*To the House of Representatives:*

I have this day approved bill No. 81, "An act to amend an act entitled 'An act to incorporate cities of the State of Kansas,' approved March 4, 1862."  
THOS. CARNEY.

Mr. Moore introduced bill No. 209, entitled "An act for the relief of C. H. Grover, and making an appropriation therefor."

Read first time.

Mr. Ayers introduced bill No. 210, which was  
Ordered to be placed upon the calendar.

Mr. Saunders introduced bill No. 211, entitled "An act relating to those who observe the day commonly called Saturday as the Sabbath."

Read the first time.

Mr. Jones introduced bill No. 212, entitled "An act to authorize the counties of Potawatomie, Riley, Davis, Dickinson and Saline to issue bonds for the purpose of building bridges."

Read first time.

Mr. Wood introduced bill No. 213, entitled "An act in reference to the Territorial taxes paid since 1858."

Read first time.

Also, bill 214, entitled "An act to change the terms of the District Court in the fifth judicial district."

Read the first time.

Also, bill No. 215, entitled "An act declaring the Kansas river not navigable, and authorizing the bridging of the same."

Read first time.

Also, bill 216, entitled "An act concerning the estates of persons dying without heirs or will."

Read first time.

Also, bill 217, entitled "An act to amend an act entitled 'An act for the regulation and support of common schools.'"

Read first time.

Also, bill 218, entitled "An act to amend an act providing for the selection and summoning of grand and petit juries, approved Feb. 11th, 1859."

Read first time.

question being, Shall the bill pass?

The ayes and noes being called, resulted as follows:

Ayes, 48; noes, 10.

Gentlemen voting in the affirmative were—

Messrs. Alford, Ayers, Batsell, Bottom, Bradley, Brumbaugh, Camp, Campbell, Cavender, Chestnut, Cobb, Cummings, Donaldson, Draper, Ellis, Fox, Freeland, Fullington, Hersey, Hidden, Hollin-  
ger, Hutchins, Jones, Lacock, Lingo, Miller, Moore, McBride, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Saqui, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Twombly, Wakefield, Walker, Williams (9th), Wood.

Gentlemen voting in the negative were—

Messrs. Barnes (8th), Frost, Grover, Hawks, Johnston (70th), Kenner, Rogers (54th), Saunders, Throckmorton, Williams (18th).

A constitutional majority having voted in favor of the passage of the bill,

And so the bill passed, and

The title was agreed to.

House bill No. 123, was read the third time.

The question being, Shall the bill pass?

The ayes and noes being called, resulted as follows:

Ayes, 30; noes, 26.

Gentlemen voting in the affirmative were—

Messrs. Ayers, Batsell, Bottom, Bradley, Brumbaugh, Camp, Campbell, Chestnut, Cummings, Fullington, Hersey, Hollinberg, Hutchins, Johnston (70th), Lacock, Miller, McBride, Orem, Reynolds, Rogers (60th), Saunders, Smith, Snook, Stephens, Stone, Taylor, Trower, Twombly, Williams (9th), Williams (18th).

Gentlemen voting in the negative were—

Messrs. Alford, Barnes (8th), Belding, Cavender, Cobb, Donaldson, Ellis, Evans, Frost, Grover, Hawks, Hidden, Jones, Lingo, Moore, McCulloch, Pickering, Rogers (54th), Saqui, Sternberg, Stratton, Thoman, Throckmorton, Wakefield, Walker, Wood.

A constitutional majority not having voted in favor of the passage of the bill,

So the bill not pass.

Mr. Rogers moved to reconsider the vote by which the bill was lost.

Ayes, 57; noes, 3.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Chestnut, Cobb, Cummings, Donaldson, Draper, Drenning, Ellis, Eskridge, Evans, Fleming, Fox, Freeland, Fullington, Grover, Hersey, Hidden, Hollinberg, Hutchins, Jones, Lacock, Lingo, Miller, Moore, McBride, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Gentlemen voting nay were—

Messrs. Frost, Hawks, Throckmorton.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed, and

The title was agreed to.

House bill No. 114, "An act to establish the eastern boundary of Dickinson county," was read the third time.

The question being, Shall the bill pass? the ayes and noes being called, resulted as follows:

Ayes, 49; noes, 8.

Gentlemen voting in the affirmative were—

Messrs. Alford, Ayers, Batsell, Bottom, Bradley, Camp, Campbell, Cavender, Chestnut, Cobb, Donaldson, Draper, Drenning, Ellis, Evans, Fox, Freeland, Fullington, Grover, Hersey, Hidden, Hollinberg, Hutchins, Johnston (70th), Jones, Lacock, Miller, Moore, McBride, McCulloch, Orem, Reynolds, Saqui, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Wood.

Gentlemen voting in the negative were—

Messrs. Barnes (8th), Brumbaugh, Frost, Hawks, Pickering, Rogers (54th), Saunders, Williams (18th).

A constitutional majority having voted in favor of the passage of the bill, so the bill passed, and

The title was agreed to.

House bill No. 34, "An act to establish the eastern boundary of Morris county," was read the third time.

The question being, Shall the bill pass?

The ayes and noes being called, resulted as follows:

Ayes, 48; noes, 10.

Gentlemen voting in the affirmative were—

Messrs. Alford, Ayers, Batsell, Bottom, Bradley, Brumbaugh, Camp, Campbell, Cavender, Chestnut, Cobb, Cummings, Donaldson, Draper, Ellis, Fox, Freeland, Fullington, Hersey, Hidden, Hollinberg, Hutchins, Jones, Lacock, Lingo, Miller, Moore, McBride, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Saqui, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Twombly, Wakefield, Walker, Williams (9th), Wood.

Gentlemen voting in the negative were—

Messrs. Barnes (8th), Frost, Grover, Hawks, Johnston (70th), Kenner, Rogers (54th), Saunders, Throckmorton, Williams (18th).

A constitutional majority having voted in favor of the passage of the bill,

And so the bill passed, and

The title was agreed to.

House bill No. 123, was read the third time.

The question being, Shall the bill pass?

The ayes and noes being called, resulted as follows:

Ayes, 30; noes, 26.

Gentlemen voting in the affirmative were—

Messrs. Ayers, Batsell, Bottom, Bradley, Brumbaugh, Camp, Campbell, Chestnut, Cummings, Fullington, Hersey, Hollinberg, Hutchins, Johnston (70th), Lacock, Miller, McBride, Orem, Reynolds, Rogers (60th), Saunders, Smith, Snook, Stephens, Stone, Taylor, Trower, Twombly, Williams (9th), Williams (18th).

Gentlemen voting in the negative were—

Messrs. Alford, Barnes (8th), Belding, Cavender, Cobb, Donaldson, Ellis, Evans, Frost, Grover, Hawks, Hidden, Jones, Lingo, Moore, McCulloch, Pickering, Rogers (54th), Saqui, Sternberg, Stratton, Thoman, Throckmorton, Wakefield, Walker, Wood.

A constitutional majority not having voted in favor of the passage of the bill,

So the bill not pass.

Mr. Rogers moved to reconsider the vote by which the bill was lost.

Mr. Wood moved to lay the motion on the table,  
Which was lost.

The question recurring on the original motion,  
It was adopted.

A call of the House being demanded,  
The Sergeant-at-Arms was ordered to bring in absentees.

Mr. Lacock moved that further proceeding under the call of the  
House be dispensed with,  
Which motion was lost.

On motion of Mr. Wood,

Further proceedings under the call of the House were dispensed  
with.

The question recurring upon the passage of bill No. 123,  
It was read the third time.

The question being, Shall the bill now pass? and the ayes and  
noes being called, resulted as follows:

Ayes, 35; noes, 32.

Gentlemen voting aye were—

Messrs. Batsell, Bottom, Bradley, Brumbaugh, Camp, Campbell,  
Chestnut, Cummings, Draper, Drenning, Fox, Fullington, Hensey,  
Hollinberg, Irwin, Johnson (1st), Johnston (70th), Kenner, Lacock,  
Miller, McBride, Orem, Reynolds, Rogers (60th), Saunders, Smith,  
Snook, Stephens, Stone, Taylor, Throckmorton, Trower, Twombly,  
Williams (18th).

Gentlemen voting nay were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding,  
Buck, Cavender, Cobb, Donaldson, Ellis, Eskridge, Evans, Fleming,  
Forman, Freeland, Frost, Grover, Hawks, Hidden, Hutchins, Jones,  
Lingo, Moore, Pickering, Rogers (54th), Saqui, Sternberg, Stratton,  
Thoman, Wakefield, Walker, Williams (9th), Wood.

A constitutional majority not having voted in favor of the pas-  
sage of the bill,

So the bill did not pass.

House bill No. 124, "An act to amend an act entitled 'An act ex-  
empting certain property from sale on execution or other process,'"   
was read the third time.

The question being, Shall the bill now pass?

The ayes and noes being called, resulted as follows:

Ayes, 41; noes, 25.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Batsell, Bradley, Brumbaugh, Camp, Cavender, Chestnut, Cummings, Donaldson, Draper, Ellis, Eskridge, Forman, Fox, Freeland, Fullington, Grover, Hersey, Hollinberg, Hutchins, Johnston (70th), Lingo, Miller, Moore, McCulloch, Orem, Reynolds, Saqui, Stephens, Stone, Trower, Twombly, Walker, Williams (9th), Williams (18th), Wood.

Gentlemen voting no were—

Messrs. Belding, Bottom, Buck, Campbell, Cobb, Drenning, Evans, Fleming, Frost, Hawks, Hidden, Irwin, Jones, Lacock, McBride, Rogers (54th), Rogers (60th), Smith, Snook, Sternberg, Stratton, Taylor, Thoman, Throckmorton, Wakefield.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed, and

The title was agreed to.

The House resolved itself into Committee of the Whole, for the consideration of bills Nos. 190 and 199—special orders—Mr. Cavender in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back bill No. 190, and recommended that it be referred to a special committee of five, consisting of Messrs. Wood, Ellis, Brumbaugh, Stratton and Reynolds, and recommended that it be made the special order for to-morrow, at 11 o'clock.

Report of the Committee agreed to.

By consent, bill No. 160 was ordered to be printed.

On motion, the House adjourned.

MORNING SESSION.

TUESDAY, FEB. 9, 1864; 10 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Prayer by the chaplain.

Journal of Monday read and approved.

Mr. Fullington, by consent, withdrew bill No. 71.

Mr. Moore, from Committee on Corporations other than Banks, made the following report:

MR. SPEAKER—The Committee on Corporations other than Banks, to whom was referred bill No. 207, entitled "An act to revise an act to establish and charter a ferry across the Missouri river, at Wyandotte, approved Feb. 2, 1858, and an act to amend an act entitled 'An act to establish and charter a ferry across the Missouri river, at Wyandotte,' approved Feb. 11, 1859," have had the same under consideration, and direct me to report the same back to the House, and recommend its passage, and that it be printed.

GEO. A. MOORE,

*Chairman.*

Mr. Bradley presented petition of D. Wheeler and others, praying for a change in the hog law.

Referred to the Committee on Agriculture.

Mr. Glick, from Committee on County Seats and County Lines, made the following report:

MR. SPEAKER—Your committee, to whom was referred bill No. 195, entitled "An act to locate the county seat of Jefferson county, beg leave to report the same back, without recommendation.

G. W. GLICK,

*Chairman.*

Also,

MR. SPEAKER—Your committee, to whom was referred bill No. 197, entitled "An act defining the boundary line of Butler county,"



report the same back, with the enclosed substitute, without recommendation.

G. W. GLICK,

*Chairman.*

Also,

MR. SPEAKER—Your committee, to whom was referred bill No. 194, entitled "An act in relation to the representative districts of Jefferson county," report the same back and recommend its rejection, for the reason the same would be in violation of the constitution.

G. W. GLICK,

*Chairman.*

Also—

MR. SPEAKER—Your committee, to whom was referred bill No. 204, entitled "An act enlarging the boundaries of Shawnee county," beg leave to report the same back and recommend its rejection.

G. W. GLICK,

*Chairman.*

The following message was received from the Senate:

MR. SPEAKER—I am instructed to inform the House of Representatives that the Senate has indefinitely postponed bill No. 95, "An act to authorize Lyon county to issue bonds to build a jail."

JOHN T. MORTON,

*Secretary of Senate.*

On motion of Mr. Moore,

Bill No. 142 was made the special order for Saturday next, at 11 o'clock.

Mr. Emery offered the following resolution, which was adopted:

*Resolved*, That hereafter the House meet at 9 o'clock, A. M., and at 7 o'clock, P. M.

Mr. Ellis introduced concurrent resolution No. 19, asking the Postmaster General to increase mail service, between Lawrence, Baldwin City, Paola, and other points.

Laid over under the rules.

Mr. Camp introduced concurrent resolution No. 20, in reference to mail route.

Laid over under the rules.

The following resolution, offered on previous day by Mr. Wood, in relation to certain school moneys, was taken up and referred to

special committee of three, consisting of Messrs. Wood, Glick and Brumbaugh.

Concurrent resolution No. 17, in reference to a daily mail from Topeka to Emporia, was taken up and adopted as amended.

The following message was received from the Senate:

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has concurred in House concurrent resolution No. 4, asking that the Postmaster General be requested to require the parties carrying the overland mail to California, to supply the post offices on the road within the State of Kansas.

JOHN T. MORTON,

*Secretary.*

Concurrent resolution No. 18, in reference to mail route from Topeka to Council Grove, was taken up and adopted.

Mr. Moore introduced bill No. 223, entitled "An act to amend an act entitled 'An act to regulate agencies of insurance companies not incorporated by the State of Kansas,' approved February 20, 1863."

Read the first time.

Mr. Glick introduced bill No. 224, entitled "An act to provide for the collection of money due the school fund."

Read the first time.

On motion of Mr. Glick,

The rules were suspended, and

Bill No. 224 was placed upon its second reading, and

Referred to the Committee on Education.

• Mr. Glick also introduced bill No. 225, entitled "An act exempting certain property from sale on execution."

Read the first time.

On motion of Mr. Glick,

The rules were suspended, and

Bill No. 225 was read the second time, and

Referred to Committee on Judiciary.

Mr. Saunders introduced bill No. 230, entitled "An act authorizing county commissioners, under certain circumstances, to issue an order prohibiting stock from running at large in the night time."

Read the first time.

Mr. Hutchins introduced bill No. 231, entitled "An act attaching

the counties of Jefferson and Jackson to the third judicial district."

Read the first time.

House bill 208, "An act authorizing county commissioners to lease certain moneys therein named, to townships," was read the second time, and

Referred to Committee on Judiciary.

House bill No. 209, "An act for the relief of C. H. Grover, and making appropriation therefor," was read the second time, and

Referred to the Committee on Judiciary.

House bill No. 211, "An act relating to those who observe the day commonly called Saturday as the Sabbath," was read the second time, and

Referred to Committee on Judiciary.

House bill No. 212, an act entitled "An act to authorize the counties of Potawatomie, Riley, Davis, Dickinson and Saline to issue bonds for the purpose of building bridges," was read the second time, and,

Referred to a special committee of four.

House bill No. 213, "An act referring to the Territorial taxes paid since 1858," was read the second time, and

Referred to Committee on Ways and Means.

House bill No. 214, "An act to change the term of the District Court in the fourth judicial district," was read the second time, and

Referred to Committee on the Judiciary.

House bill No. 215, "An act declaring the Kansas river not navigable, and authorizing the bridging of the same," was read the second time, and

Referred to the Committee on Corporations other than Banks.

House bill No. 216, "An act concerning the estates of persons dying without heirs or will," was read second time, and

Referred to Committee on Judiciary.

House bill No. 216, "An act to amend an act entitled 'An act for the regulation and support of common schools,'" was read the second time, and

Referred to Committee on Education.

House bill No. 218, "An act to amend an act providing for the

special committee of three, consisting of Messrs. Wood, Glick and Brumbaugh.

Concurrent resolution No. 17, in reference to a daily mail from Topeka to Emporia, was taken up and adopted as amended.

The following message was received from the Senate:

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has concurred in House concurrent resolution No. 4, asking that the Postmaster General be requested to require the parties carrying the overland mail to California, to supply the post offices on the road within the State of Kansas.

JOHN T. MORTON

Concurrent resolution No. 18, in reference to a daily mail from Topeka to Council Grove, was taken up and adopted as amended.

Mr. Moore introduced bill No. 223, entitled "An act to regulate agencies of the State of Kansas,"

Read the first time.

Mr. Glick introduced bill No. 224, entitled "An act for the collection of money for the State of Kansas."

Read the first time.

On motion of Mr. Glick.

The rules were suspended.

Bill No. 224.

Referred to the Committee on Finance.

•Mr. Glick.

ing co

Read the first time.

On motion of Mr. Glick.

The rules were suspended.

Bill No. 225 was read the first time.

Referred to Committee on Judiciary.

Mr. Saunders introduced bill No. 226, entitled "An act relating to the organization of county commissioners, under certain circumstances."

an order prohibiting stock from running at large.

Read the first time.

Mr. Hutchins introduced bill No. 231, entitled "An act to provide for the establishment of a State of Kansas."

the committee of the whole, and others

Read the report of the

House of Representatives

House of Representatives

second report of

Report of the committee

House of Representatives

making arrangements for

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any committee of

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SSION.

Two o'clock, P. M.

Committee of the Whole, for the  
joint resolution No. 1, Mr. Saqui in

rein, the committee arose, and, through  
back to the House, House joint resolution  
sit again.

tee was agreed to.

ood,

directed to inform the Senate that the House  
the Senate in joint convention for the purpose  
States Senator.

was called, and

gentlemen answered to their names:

ord, Ayers, Barnes (8th), Barnes (21st), Belding, Bat-  
Bradley, Brumbaugh, Buck, Camp, Campbell, Caven-  
ut, Craig, Cobb, Cummings, Donaldson, Draper, Dren-  
s, Emery, Eskridge, Evans, Fleming, Forman, Fox, Free-  
rost, Fullington, Glick, Grover, Hawks, Hersey, Hidden,  
berg, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th),  
s, Kenner, Lacock, Laing, Lingo, Miller, Moore, McBride, Mc-  
loch, Orem, Pickering, Reynolds, Rogers (54th), Rogers (60th),

selecting and summoning of grand jurors, approved Feb. 11, 1859," was read second time, and

Referred to Committee on Judiciary.

House bill 219, "An act to provide for a loan for the payment of professors and teachers in the State Agricultural College," was read second time, and

Referred to Committee on Fees and Salaries.

House bill No. 220, "An act to change the western boundary line of Osage county," was read second time, and

Referred to Committee on County Seats and County Lines.

House bill 221, "An act regulating oaths, and prescribing the form of oaths of officers," was read second time, and

Referred to Committee on Judiciary.

House bill No. 222, "An act to amend an act entitled 'An act regulating crimes and punishments of crimes against the persons of individuals,'" was read second time, and

Referred to Committee on Judiciary.

The following House concurrent resolution No. 4 was concurred in by the Senate, Jan. 21, and was placed upon the journal of the proper day.

*Resolved by the House of Representatives, (the Senate concurring therein),* That the post office department at Washington be requested to require parties having the contract for carrying the mails from the Missouri river to the State of California, on route No. 14,258, to supply the post offices on said route within the State of Kansas with a daily mail.

*Resolved,* That the Secretary of State be requested to forward a copy of these resolutions to the Postmaster General, and to each of our Representatives in Congress.

The House resolved itself into Committee of the Whole for the consideration of bills Nos. 98 and 127, and joint resolution No. 1, being unfinished business. Mr. Bottom in the chair.

After some time spent therein, the committee arose, and, through their chairman reported back to the House bill No. 98, with substitute, and recommended that the same be printed and take its place upon the calendar.

Report of Committee agreed to.

Mr. Wakefield offered the remonstrance of Mr. Parish and others against the election of United States Senator.

Referred to Committee on Federal Relations.

On motion the House adjourned.

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### AFTERNOON SESSION.

TWO O'CLOCK, P. M.

Speaker in the chair.

Quorum present.

The House resolved itself into Committee of the Whole, for the further consideration of House joint resolution No. 1, Mr. Saqui in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back to the House, House joint resolution No. 1, and asked leave to sit again.

Report of the Committee was agreed to.

On motion of Mr. Wood,

The Chief Clerk was directed to inform the Senate that the House was ready to receive the Senate in joint convention for the purpose electing a United States Senator.

The House roll was called, and

The following gentlemen answered to their names:

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Bat-sell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Caven-der, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Dren-ning, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Free-land, Frost, Fullington, Glick, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th), Jones, Kenner, Lacock, Laing, Lingo, Miller, Moore, McBride, Mc-Culloch, Orem, Pickering, Reynolds, Rogers (54th), Rogers (60th),

Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th) Williams (18th), Wood, Mr. Speaker.

Mr. Wood offered the following resolution:

*Resolved*, That the joint convention now proceed to the election of a United States Senator for the term commencing March 4, 1865, pursuant to the concurrent resolution under which this convention has met.

Mr. Wood moved the previous question be now put.

Mr. Potter moved the indefinite postponement of the resolution, which, was

Declared out of order.

Mr. Potter moved that the House do now adjourn.

Upon which the ayes and noes were called with the following result:

Ayes, 33; noes, 65.

Gentlemen voting aye were—

Messrs. Alford, Barnes (21st), Batsell, Brumbaugh, Cavender, Donaldson, Draper, Emery, Eskridge, Evans, Frost, Fullington, Grover, Hawks, Johnston (70th), Jones, Kenner, Lingo, Orem, Saunders, Sternberg, Throckmorton, Wakefield, Williams (18th), Bennett, Elliot, Leonard, Maxson, McGrew, Oursler, Potter, Strickler, Valentine.

Gentlemen voting no were—

Messrs. Ayers, Barnes (8th), Belding, Bottom, Bradley, Buck, Camp, Campbell, Chestnut, Craig, Cobb, Cummings, Drenning, Ellis, Fleming, Forman, Fox, Freeland, Glick, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Lacock, Laing, Miller, Moore, McBride, McCulloch, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Smith, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Trower, Twombly, Walker, Williams (9th), Wood, Baker, Brockway, Clark, Fishback, Fitzwilliam, Ford, Foster, Lowe, Miller, Pierce, Sherry, Spaulding, Thurstin, Wheeler, Wilson, Woodworth.

So the motion to adjourn was lost.

Mr. McGrew moved a call of the House.

Pending which Mr. Wood moved that further proceedings under the call of the House be dispensed with.



Upon which the ayes and nays being called, resulted as follows :  
Ayes, 68; noes, 30.

An so the proceedings under the call of the House were dispensed with.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (8th), Belding, Bottom, Bradley, Buck, Camp, Campbell, Chestnut, Craig, Cobb, Cummings, Drenning, Ellis, Fleming, Forman, Fox, Freeland, Glick, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Jones, Lacock, Laing, Lingo, Miller, Moore, McBride, McCulloch, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Trower, Twombly, Walker, Williams, (9th), Wood, Baker, Brockway, Clark, Fishback, Fitzwilliam, Ford, Foster, Lowe, Miller, Pierce, Sherry, Spalding, Thurstin, Wheeler, Wilson, Woodworth.

Gentlemen voting no were—

Messrs. Alford, Barnes (21st), Batsell, Brumbaugh, Cavender, Donaldson, Draper, Emery, Eskridge, Evans, Frost, Fullington, Grover, Hawks, Johnston (70th), Kenner, Orem, Sternberg, Throckmorton, Wakefield, Williams (18th), Bennett, Elliot, Leonard, Maxson, McGrew, Oursler, Potter, Strickler, Valentine.

Mr. McGrew moved that the joint convention do now adjourn.

Mr. Wood arose to a point of order,

Which point the chair decided not well taken.

From which decision of the President Mr. Wood appealed.

The question being, Shall the decision of the chair be sustained?

The ayes and noes being called, resulted as follows :

Ayes, 32, noes, 66.

Gentlemen voting aye were—

Messrs. Alford, Barnes (8th), Batsell, Brumbaugh, Cavender, Donaldson, Draper, Emery, Eskridge, Evans, Frost, Fullington, Grover, Hawks, Johnston (70th), Jones, Kenner, Orem, Sternberg, Throckmorton, Wakefield, Williams (18th), Bennett, Elliott, Leonard, Maxson, McGrew, Oursler, Potter, Strickler, Valentine.

Gentlemen voting no were—

Messrs. Ayers, Barnes (8th), Belding, Bottom, Bradley, Buck, Camp, Campbell, Chestnut, Craig, Cobb, Cummings, Drenning,

Ellis, Fleming, Forman, Fox, Freeland, Glick, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Lacock, Laing, Lingo, Miller, Moore, McBride, McCulloch, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Trower, Twombly, Walker, Williams (9th), Wood, Baker, Brockway, Clark, Fishback, Fitzwilliam, Ford, Foster, Lowe, Miller, Pierce, Sherry, Spalding, Thurston, Wheeler, Wilson, Woodworth.

So the decision of the chair was not sustained.

Mr. McGrew moved that the joint convention do now adjourn.

The chair declared the motion out of order,

From which decision of the chair Mr. McGrew appealed.

Mr. Wood moved to lay the appeal on the table,

Upon which the ayes and noes were called, with the following result:

Ayes, 67; noes, 22.

And so motion to appeal was laid upon the table.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Belding, Bottom, Bradley, Buck, Camp, Campbell, Chestnut, Craig, Cobb, Cummings, Drenning, Ellis, Fleming, Forman, Fox, Freeland, Glick, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Kenner, Lacock, Laing, Lingo, Miller, Moore, McBride, McCulloch, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Trower, Twombly, Walker, Williams (9th), Williams (18th), Wood, Baker, Brockway, Clark, Fishback, Ford, Foster, Lowe, McGrew, Spaulding, Thurston, Wheeler, Wilson, Woodworth.

Gentlemen voting no were—

Messrs. Barnes (21st), Brumbaugh, Cavender, Donaldson, Draper, Emery, Eskridge, Evans, Frost, Fullington, Grover, Hawks, Jones, Orem, Sternberg, Throckmorton, Wakefield, Bennett, Elliott, Leonard, Maxson, Oursler.

The question recurring upon the motion of Mr. Wood, that the previous question now be put,

The ayes and noes were called, with the following result:

Ayes, 66; noes, 30.

And so the motion to put the previous question prevailed.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (8th), Belding, Bottom, Bradley, Buck, Camp, Campbell, Chestnut, Craig, Cobb, Cummings, Drenning, Ellis, Fleming, Forman, Fox, Freeland, Glick, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Kenner, Lacock, Laing, Miller, Moore, McBride, McCulloch, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Trower, Twombly, Walker, Williams (9th), Wood, Baker, Brockway, Clark, Fishback, Ford, Foster, Lowe, Miller, Pierce, Sherry, Spaulding, Thurston, Wheeler, Wilson, Woodworth.

Gentlemen voting no were—

Messrs. Alford, Barnes (21st), Batsell, Brumbaugh, Donaldson, Draper, Emery, Eskridge, Evans, Frost, Fullington, Grover, Hawks, Johnston (70th), Jones, Lingo, Orem, Sternberg, Throckmorton, Wakefield, Williams (18th), Bennett, Elliott, Leonard, Maxson, McGrew, Oursler, Strickler, Valentine.

The question being upon the adoption of the original resolution, And the ayes and noes being called, resulted as follows:

Ayes, 66; noes, 32.

And so the resolution was adopted.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (8th), Belding, Bottom, Bradley, Buck, Camp, Campbell, Chestnut, Craig, Cobb, Cummings, Drenning, Ellis, Fleming, Forman, Fox, Freeland, Glick, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Jones, Lacock, Laing, Miller, Moore, McBride, McCulloch, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Smith, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Trower, Twombly, Walker, Williams (9th), Wood, Baker, Brockway, Clark, Fishback, Fitzwilliams, Ford, Foster, Lowe, Miller, Pierce, Sherry, Spaulding, Thurston, Wheeler, Wilson, Woodworth.

Gentlemen voting no were—

Messrs. Alford, Barnes (21st), Brumbaugh, Cavender, Donaldson, Draper, Emery, Eskridge, Evans, Frost, Fullington, Grover, Hawks, Johnston (70th), Kenner, Lingo, Orem, Saunders, Stern-

berg, Throckmorton, Wakefield, Williams (18th), Bennett, Elliott, Leonard, Maxson, McGrew, Oursler, Potter, Strickler and Valentine.

The joint convention proceeded to vote for United States Senator for the term of six years from the 4th day of March, 1865.

Mr. Lowe nominated Thomas Carney, of Leavenworth.

The roll of the joint convention being called, resulted as follows:

The following gentlemen were excused from voting, on the part of the House:

Messrs. Barnes (21st), Batsell, Brumbaugh, Draper, Emery, Eskridge, Evans, Frost, Fullington, Grover, Hawks, Johnston (70th), Jones, Kenner, Lingo, Orem, Sternberg, Throckmorton, Wakefield and Mr. Speaker, Williams (18th); against a fraud, Mr. Cavender.

On the part of the Senate, the following gentlemen were excused from voting:

Messrs. Bennett, Leonard, Maxson.

Refusing to vote:

Messrs. Elliot, Potter, Strickler and Valentine.

Voting for a blank:

McGrew and Oursler.

Gentlemen voting for Thomas Carney were—

Messrs. Alford, Ayers, Barnes (8th), Belding, Bottom, Bradley, Buck, Camp, Campbell, Chestnut, Craig, Cobb, Cummings, Donaldson, Drenning, Ellis, Fleming, Forman, Fox, Freeland, Glick, Hershey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Lacock, Laing, Miller, Moore, McBride, McCulloch, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Trower, Twombly, Walker, Williams (9th), Wood.

Senate—

Messrs. Baker, Brockway, Clark, Fishback, Fitzwilliam, Ford, Foster, Lowe, Miller, Pierce, Sherry, Spaulding, Thurston, Wheeler, Wilson, Woodworth.

House—

Carney, 52.

Excused, 20.

Against a fraud, 1.

Senate—

Carney, 16.

Excused, 7.

Blank, 2.

And thereupon the President announced that Thomas Carney, having received a majority of all the votes cast, being also a majority of the votes of all the members of the Legislature, is declared duly elected a Senator to represent the State of Kansas in the Senate of the United States, for the term commencing on the fourth day of March, A. D. 1865.

Mr. Wood moved that the joint convention do now adjourn *sine die*.

Upon which the ayes and noes were called, and the convention declared adjourned.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Johnson (1st), Johnston (70th), Kenner, Lacock, Laing, Lingo, Miller, Moore, McBride, McCulloch, Piekerling, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood, Baker, Bennett, Brockway, Clark, Elliot, Fishback, Fitzwilliam, Ford, Foster, Lowe, Maxson, McGrew, Miller, Thurston, Valentine, Wheeler, Wilson, Woodworth, Pierce, Sherry, Spalding.

After which, in conformity with the joint rules of the two houses, the result was certified by the President of the Senate and the Speaker of the House, which certificate was communicated to the Governor, by the Secretary of the Senate and the Chief Clerk of the House of Representatives, jointly, as follows :

“We hereby certify that the two Houses of the Legislature of the State of Kansas, met in joint convention in the hall of the House of Representatives, on Tuesday, the 9th day of February, A. D. 1864, and then and there elected Thomas Carney, of Leavenworth

county, Senator to represent the State of Kansas in the Senate of the United States, for the term commencing on the 4th day of March, A. D. 1865."

(Attest),

T. A. OSBORN,

*President of the Senate.*

(Attest),

JOSIAH KELLOG,

*Speaker of the House of Representatives.*

(Attest),

ALEX. R. BANKS,

*Chief Clerk House of Representatives.*

(Attest),

JOHN T. MORTON,

*Secretary of Senate.*

### MORNING SESSION.

WEDNESDAY, FEB. 10, 1864, 9 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Barnes (21st), Campbell, Cummings, Emery, Evans, Grover, Hutchins, Johnson (1st), Johnston (70th), Kenner, Lacock, Orem, Rogers (60th), Saqui, Saunders, Snook, Throckmorton, Trower and Wood.

Mr. Trower was granted leave of absence.

Journal of yesterday read, corrected and approved.

Mr. Forman, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER—The Committee on Enrolled Bills ask leave to report that the following bills were placed in the hands of the Governor, for his consideration, on Monday, February 8th, 1864, to wit:

Bill No. 1, "An act relating to records and proceedings in the county of Douglas."

Bill No. 36, "An act to accept a grant of land made to the State of Kansas by the Congress of the United States, to aid in the construction of certain railroads and telegraphs in said State, and to apply the same to the construction of such roads and telegraphs."

Bill No. 66, "An act to authorize the County Commissioners of Shawnee county to issue bonds for the purpose of building a bridge across the Kansas river."

Bill No. 70, "An act to amend an act entitled An act to incorporate the city of Marysville."

Also, that they have examined the following bills, and have found them correctly enrolled, to wit:

Bill No. 10, "An act providing for a geological and mineralogical survey."

Bill No. 67, "An act to provide for the adoption of minor children."

Bill No. 68, "An act relating to the manner of holding the April term of the court in the county of Nemaha."

Bill No. 82, "An act to authorize the State Auditor to credit Wyandotte county with tax."

JOHN W. FORMAN,

*Chairman.*

Mr. Moore offered concurrent resolution No. 1, to wit:

WHEREAS, John Ritchie, Colonel of — Indian regiment, did, on the 9th day of February, A. D. 1864, grossly insult the Legislature of the State of Kansas, then assembled in joint convention;

And whereas, the said Col. John Ritchie did, on the above day, in the hall of the house of Representatives, while the Legislature was in joint convention, use language unbecoming an officer and gentleman, to the great annoyance of said joint convention;

And whereas, the said Col. John Ritchie did, after the adjournment of the joint convention, and while the House of Representatives was in session, insult the said House of Representatives in the most abusive and flagitious manner, and, when called to order by the Speaker, refused to desist, and openly defied the authority of the House of Representatives and its officers; therefore,

*Be it resolved*, That the dignity of State of Kansas demands the immediate removal of the said Col. John Ritchie from the service of the United States, as appointed, for the insult above referred to; and

*Resolved*, That the Legislature of the State of Kansas hereby requests the President of the United States to revoke the commission of the said John Ritchie, and dismiss him from the service of the United States.

*Resolved*, That the Secretary of State be and he is hereby directed to forward to the President of the United States a copy of these preambles and resolutions.

Mr. Eskridge moved that it be indefinitely postponed,

Which motion was lost.

Mr. Smith moved that it be referred to a special committee of three,

Which was lost.

The question now recurring upon the adoption of the original resolution,

The resolution was adopted.

Mr. Sternberg presented petition of James Hurd and John Guthrey and others, asking for a change of county lines.

Referred to Committee on County Seats and County Lines.

The House resolved itself into Committee of the Whole, on special order for 11 o'clock; also, for the consideration of unfinished business of Tuesday and Friday, Mr. Belding in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back bill No. 129, and recommended the passage of the substitute.

Also, bill No. 186, joint resolution No. 1, reported progress, and asked leave to sit again.

By consent, Mr. Saunders introduced bill No. 232, entitled "An act to amend section 525 of an act to establish a code of civil procedure, approved Feb. 11, 1859."

Read first time.

Mr. Ellis introduced bill No. 233, entitled "An act to amend an act defining the powers and duties of certain State officers."

Read first time.

The following communication was received from the Governor:



STATE OF KANSAS, EXECUTIVE OFFICE, }  
TOPEKA, February 9, 1864. }

*To the House of Representatives :*

I have this day approved bill No. 66, "An act to authorize the board of County Commissioners of Shawnee county to issue bonds, for the purpose of building a bridge across the Kansas river."

Also, bill No. 36, "An act to accept a grant of lands made to the State of Kansas by the Congress of the United States, to aid in the construction of certain railroads and telegraphs in said State, and apply the same to the construction of said roads and telegraphs."

Also, bill No. 70, "An act to amend an act entitled 'An act to incorporate the city of Marysville.'"

Also, bill No. 1, "An act relative to the records and proceedings in the county of Douglas." THOMAS CARNEY.

Mr. Wakefield offered concurrent resolution No. 22, in reference to a home for negroes.

Laid over under the rules.

Mr. Brumbaugh introduced concurrent resolution No. 23, in reference to certain mail routes.

Laid over under the rules.

Mr. Smith introduced concurrent resolution No. 24, in reference to mail route from Topeka to Fort Scott.

Laid over under the rules.

The following concurrent resolution, offered on previous day, was taken up and concurred in, to wit: Asking for a mail route from Atchison to Troy.

The following concurrent resolution, offered on previous day, in reference to mail service from Lawrence via Baldwin City, Peoria, Paola and Osawatomie, was concurred in.

Mr. Alford introduced petition of A. S. Williams and others, in relation to stock running at large in the night time.

Referred to Committee on Agriculture.

The following message was received from the Senate:

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has adopted Senate concurrent resolution No. 14, in relation to journal of joint convention, in which the concurrence of the House is respectfully requested.

JOHN T. MORTON, *Secretary.*

Committee on the part of Senate, Messrs. Lowe and Maxson.

House concurred in Senate concurrent resolution No. 14, relating to journal of joint convention.

Mr. Speaker appointed as committee on part of the House, Messrs. Wood, Moore and Eskridge.

House bill No. 223, "An act to amend an act to regulate agencies of insurance companies not incorporated by the State of Kansas, approved February 20th, 1863," was read the second time, and

Referred to Committee on Corporations.

House bill No. 226, "An act to provide for the payment of the professors in the State Agricultural College," was read the second time, and

Referred to Committee on Judiciary.

House bill No. 227, "An act to punish horse stealing with death," was read the second time, and

Referred to Committee on Judiciary.

House bill No. 228, "An act to amend an act fixing the fees and salaries of State officers," was read the second time, and

Referred to Committee on Fees and Salaries.

House bill No. 229, "An act to compel the owners of stock to herd them of nights during harvest," was read the second time, and

Referred to the Committee on Agriculture.

House bill No. 230, "An act authorizing county commissioners, under certain circumstances, to issue an order prohibiting stock from running at large in the night time," was read the second time, and

Referred to Committee on Agriculture.

House bill No. 231, "An act attaching the counties of Jefferson and Jackson to the third judicial district," was read the second time, and

Referred to Committee on Judiciary.

Mr. Frost introduced bill No. 234, entitled, "An act concerning the Register of Deeds of Lyon county, elected in the fall of 1863."

Read first time.

On motion, when the House adjourns this evening, it stand adjourned till to-morrow at 9 o'clock.

On motion, the House adjourned.

### AFTERNOON SESSION.

2 O'CLOCK, P. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

The House resolved itself into Committee of the Whole for the consideration of unfinished business. Mr. Belding in the chair.

After some time spent therein the committee arose, and, through their chairman, reported back to the House, bill No. 186, and recommended its passage as amended.

The report of the Committee of the Whole was agreed to.

Bills reported favorably were ordered to be engrossed.

Mr. Wood, by consent, made the following report.

Mr. Johnson, from Committee on Ways and Means, made the following report:

MR. SPEAKER—The committee on Ways and Means, to whom was referred bill No. 213, "An act in reference to Territorial taxes paid since 1858," have had the same under consideration, and instruct me to report the same back to the House without recommendation.

JNO. P. JOHNSON,

*Chairman.*

Mr. Hersey, from Committee on Fees and Salaries, made the following report:

MR. SPEAKER—Your committee, to whom was referred House bill No. 212, have had the same under consideration, and beg leave to report it back and recommend its passage; also, that it be printed.

T. F. HERSEY,

*Chairman.*

By consent, bill No. 213 was ordered to be printed.

On motion, communication from the Senate was taken up, and Senate amendment to bill No. 164 was concurred in.

The ayes and noes being called, resulted as follows:

Ayes, 52; noes, 2.

Gentlemen voting in the affirmative were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Buck, Camp, Campbell, Cavender, Craig, Donaldson, Draper, Eskridge, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Irwin, Johnson (1st), Johnston (70th), Jones, Laing, Moore, McBride, McCulloch, Orem, Rogers (60th), Reynolds, Snook, Saunders, Stephens, Stone, Stratton, Thoman, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Messrs. Smith and Taylor voted no.

OFFICE OF AUDITOR OF STATE, }  
TOPEKA, Feb. 8, 1864.

*To the House of Representatives of the State of Kansas:*

Gentlemen—In compliance with House resolution of Febr'y 2nd, 1864, calling for the amount of Territorial tax paid by the several counties in this State for the year 1860, and the amount so paid by each county, and what counties, if any, failed to pay any portion of the Territorial tax charged against them for said year, beg leave to submit the following:

I have examined the books of the Territorial Auditor now in my office, and find that a large portion of the taxes paid into the Territorial treasury by the several counties is credited *generally* on the taxes due from the several counties, without specifying any particular year on which they should be applied.

I herewith transmit a list of all the counties, with the amount of credits given to each on taxes of 1860, as appears from the books in my office.

All of which is respectfully submitted.

ASA HAIRGROVE,  
*Auditor of State.*

# HOUSE JOURNAL.

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Atchison county, paid on tax of 1860,	\$785.75
Anderson, " " "	1,297.97
Allen, " " "	215.43
Bourbon,	
Brown,	
Breckinridge,	661.81
Coffey,	224.50
Chase,	12.75
Clay,	
Doniphan,	2,024.43
Davis,	264.06
Franklin,	603.56
Johnson, paid on tax of 1860,	160.78
Jackson,	
Jefferson,	689.86
Lykins,	815.80
Leavenworth,	
Linn,	1,289.24
Marshall,	241.61
Madison,	252.40
Morris,	
Nemaha,	407.60
Osage,	378.25
Potawatomie,	424.16
Riley,	
Johnson,	217.27
Wyandotte,	279.60
Wabaunsee,	167.20
Woodson,	

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Total received on tax of 1860,	\$11,413.04
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By consent, Mr. Forman, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER—The Committee on Enrolled Bills respectfully report that the following bills were placed in the hands of the Governor for his consideration, on Wednesday, February 10th, 1864, to wit:

Bill No. 10, "An act providing for a geological and mineralogical survey."

Bill No. 67, "An act providing for the adoption of children."

Bill No. 68, "An act regulating the manner of holding the April term of the District Court in the county of Nemaha."

Bill No. 82, "An act to authorize the State Auditor to credit Wyandotte county with tax." JOHN W. FORMAN,

*Chairman.*

On motion of Mr. Wood,

The use of the hall was granted to the friends of the United States Senator elect, on Friday evening next, for the purpose of having a supper.

On motion, the House adjourned until to-morrow morning at 9 o'clock.

## MORNING SESSION.

TUESDAY, FEBRUARY 11, 1864, 9 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees — Messrs. Brumbaugh, Buck, Cavender, Chestnut, Cummings, Draper, Frost, Fullington, Glick, Hawks, Johnston (70th), Jones, Miller and Pickering.

Journal of yesterday read, corrected and approved.

Mr. Lacock presented petition of Mr. C. Willis and 60 others, praying the Legislature to pass a law compelling citizens of Kansas to herd their stock at night.

Referred to Committee on Agriculture.

Mr. Batsell presented petition of George Sterch and 36 others, petitioning for a law to herd stock.

Referred to Committee on Agriculture.

Mr. Saunders, from Committee on Judiciary, made the following report:

MR. SPEAKER—A minority of the Judiciary Committee have had under consideration House bill No. 200, "An act in relation to aliens," and instruct me to report the same back to the House, and recommend its rejection, the 17th section of our bill of rights obviating all necessities for the provisions of the bill.

W. R. SAUNDERS, *Chairman*.

MR. SPEAKER—A minority of the Judiciary Committee have had under consideration House bill No. 201, "An act to authorize the re-assessment of real estate in Douglas county," and instruct me to report the same back to the House and recommend that the 3d section be so amended as to make it take effect and be in force after its passage; as thus amended it pass without being printed.

W. R. SAUNDERS, *Chairman*.

MR. SPEAKER—A minority of the Judiciary Committee have had under consideration bill No. 227, "An act to punish horse stealing with death," and instruct me to report the same back to the House and recommend its rejection.

W. R. SAUNDERS,

*Chairman*.

MR. SPEAKER—A minority of the Judiciary Committee have had under consideration bill No. 192, "An act for the relief of L. McArthur," and instruct me to report the same back and recommend that it be printed for the consideration of the House.

W. R. SAUNDERS, *Chairman*.

MR. SPEAKER—A minority of the Judiciary Committee have had under consideration House joint resolution No. 6, providing for canceling certain State warrants, and instruct me to report the same back to the House with the recommendation that it be adopted without being printed.

W. R. SAUNDERS, *Chairman*.

MR. SPEAKER—A minority of the Judiciary Committee have had under consideration House bill No. 173, "An act regulating compromises of partners and joint debtors," and instruct me to report the same back to the House and recommend its rejection.

MR. SPEAKER—A minority of the Judiciary Committee have had under consideration House bill No. 187, "An act to amend an act entitled 'An act to amend an act to amend and consolidate the several acts relating to the city of Lawrence,' approved June 4, 1861," and instruct me to report the same back to the House without recommendation.

W. R. SAUNDERS,

*Chairman.*

MR. SPEAKER—A minority of the Judiciary Committee have had under consideration House bill No. 209, "An act for the relief of C. H. Grover, and making an appropriation therefor," and instruct me to report the same back to the House without recommendation.

W. R. SAUNDERS,

*Chairman.*

MR. SPEAKER—A minority of the Committee on Judiciary have had under consideration House bill No. 211, "An act relating to those who observe the day commonly called Saturday as the Sabbath," and instruct me to report the same back to the House and recommend its passage without being printed.

W. R. SAUNDERS,

*Chairman.*

MR. SPEAKER—A minority of the Judiciary Committee have had under consideration House bill No. 231, "An act attaching the counties of Jefferson and Jackson to the third judicial district, and instruct me to report the same back to the House, with the recommendation that the 4th section be so amended as to make the act take effect and be in force from and after its passage, and that, as thus amended, it pass without being printed.

W. R. SAUNDERS,

*Chairman.*

Mr. Glick, from Committee on County Seats and County Lines, made the following report:

MR. SPEAKER—Your committee, to whom was referred bill No. 220, entitled "An act to change the western boundary of Osage county," have had the same under consideration, and have directed me to report the same back, and recommend its rejection.

G. W. GLICK,

*Chairman.*



Mr. Barnes, from Committee on Agriculture, made the following report:

MR. SPEAKER—Your Committee on Agriculture, to whom was referred the petition of John Grable, in relation to herding and fencing cattle, and the petition of Isaac E. Coleman and others, asking that the south half of Rock township, in Nemaha county, be exempt from the operations of the hog law, have had the same under consideration, and report the same back to the House, without recommendation.

ASA BARNES,

*Chairman.*

MR. SPEAKER—Your Committee on Agriculture, to whom was referred bill No. 230, "An act authorizing the County Commissioners, under certain circumstances, to issue an order prohibiting stock from running at large in the night time," have had the same under consideration, and report it back to the House, and recommend its passage, and that it be printed.

ASA BARNES,

*Chairman.*

MR. SPEAKER—Your Committee on Agriculture, to whom was referred bill 229, "An act to compel the owners of stock to herd them at night, during harvest," have had the same under consideration, and report it back to the House, and recommend its rejection, because the same object can better be obtained in bill No. 230.

ASA BARNES,

*Chairman.*

Mr. Eskridge offered concurrent resolution No. 25, relating to adjournment,

Which was laid over under the rules.

Mr. Eskridge offered the following resolution, which was adopted:

*Resolved,* That the Auditor of State furnish this House, with as little delay as possible, a statement showing the amount of warrants drawn on the Treasury for all purposes relating to the State Penitentiary.

Mr. Eskridge offered the following resolution,

Which was referred to special committee, consisting of Messrs. Eskridge, Snook and Thoman:

WHEREAS, it has been charged that a bill against the State has been presented to the Committee on Ways and Means, for a pair of gloves, dry goods, &c., articles furnished the Secretary of State;

And whereas, the Secretary of State denies purchasing gloves or other unnecessary articles on account of the State; therefore,

*Resolved*, That a special committee of three be appointed to inquire as to how such a bill came into the hands of the Committee on Ways and Means, or [how] such items came to be inserted in any bill in their hands, and who inserted them, with as little delay as possible.

On motion of Mr. Wood,

The account of Drs. Sinks and Lozene was referred to Committee on Claims.

The following communication was received from the Governor:

STATE OF KANSAS, EXECUTIVE OFFICE, }  
TOPEKA, February 10, 1864. }

*To the House of Representatives :*

I have this day approved bill No. 10, "An act providing for a geological and mineralogical survey."

Also, bill No. 82, "An act to authorize the State Auditor to credit Wyandotte county with tax."

Also, bill No. 67, "An act to provide for the adoption of children."

Also, bill No. 68, "An act to regulate the manner of holding the April term of court in the county of Nemaha."

THOMAS CARNEY.

The following concurrent resolution No. 23, offered on previous day, to change points on mail route No. 14,285, was taken up.

Mr. Glick moved the indefinite postponement of the resolution.

Which motion prevailed.

Concurrent resolution No. 24, offered on previous day, in reference to mail route from Topeka to Fort Scott, was taken up and adopted.

By consent, bill No. 197 was ordered to be printed and placed on the calendar.

Mr. Williams introduced bill No. 235, "An act to amend an act for the regulation and support of common schools, approved May, 1861."

Read the first time.

Mr. Barnes introduced bill No. 236, "An act to authorize the city of Atchison to levy a tax to pay off judgments."

Read the first time.

Mr. Wood introduced bill No. 237, "An act to amend an act entitled 'An act providing for the election of township officers,' approved May 23, 1861."

Read first time.

On motion, the rules were suspended and bill No. 237 was read the second time, and

Referred to Committee on Education.

Mr. Wood introduced bill No. 238, "An act to authorize Morris county to issue bonds to build a jail."

Read first time.

Mr. Wood introduced bill No. 239, entitled "An act to amend an act entitled 'An act relating to township officers,' approved February 27, 1860."

On motion, the rules were suspended and bill No. 239 was read a second time, and

Referred to Committee on Elections.

Mr. Lacock introduced bill No. 240, "An act to provide for the adjustment and payment of unaudited Territorial claims."

Read first time.

Mr. Wood introduced bill No. 241, "An act to authorize railroad companies of the States of Missouri and Kansas to construct bridges and maintain ferries across the Missouri river."

Read first time.

Mr. Throckmorton introduced bill No. 243, "An act to abolish certain streets, alleys, public grounds and town lots in the town of Hampden."

Read first time.

Mr. Johnson introduced bill No. 242, "An act to amend an act entitled 'An act for the regulation and support of common schools.'"

Read first time.

On motion, the rules were suspended, and bill No. 242 was read the second time, and

Referred to Committee on Ways and Means.

Mr. Wood moved that the Committee on Ways and Means return

to the House all claims not acted upon, and that they be referred to Committee on Claims.

Which motion was lost.

Mr. Johnson moved that the Committee on Ways and Means return to Committee on Accounts all claims not acted upon.

Mr. Forman, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER—The Committee on Enrolled Bills ask leave to report the following bills have been examined and found to be correctly enrolled, and that the same were placed in the hands of the Governor for his consideration, on Thursday, February 11th, 1864, to wit:

Bill No. 45, "An act to provide for the election of County Attorneys, and prescribing their duties."

House bill No. 49, "An act to amend an act entitled 'An act to incorporate the Southern Kansas Pacific Railroad Company.'"

JOHN W. FORMAN,

*Chairman.*

House bill No. 232, "An act to amend section 525 of an act to establish a code of civil procedure, approved Feb. 11, 1859," was read the second time, and

Referred to Committee on Judiciary.

House bill No. 234, "An act concerning the Register of Deeds for Lyon county elected in the fall of 1863," was read second time, and

Referred to Committee on Judiciary.

House bill No. 129, "An act defining and providing for the punishment of adultery and fornication," was read third time.

The question being, Shall the bill pass?

The ayes and noes being called, resulted as follows:

Ayes, 49; noes, 13.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (21st), Belding, Batsell, Bottom, Bradley, Camp, Campbell, Cavender, Chestnut, Craig, Cummings, Donaldson, Draper, Drenning, Eskridge, Evans, Fleming, Fox, Freeland, Frost, Fullington, Grover, Hawks, Hensley, Hidden, Hollinberg, Houts, Jones, Laing, Miller, McCulloch, Orem, Pickering,

Reynolds, Rogers (54th), Rogers (60th), Saqui, Smith, Snook, Stephens, Stone, Stratton, Thoman, Throckmorton, Twombly, Wakefield, Williams (18th), Wood.

Gentlemen voting no were—

Messrs. Barnes (8th), Cobb, Forman, Glick, Hutchins, Irwin, Johnston (70th), Lacock, Miller, McBride, Taylor, Walker, Williams (9th).

A constitutional majority having voted in favor of the passage of the bill,

And so the bill passed, and

The title was agreed to.

House bill No. 186, "An act providing for the enrollment, organization, discipline and pay of the militia," was read third time.

The question being, Shall the bill now pass? and the ayes and noes being called, resulted as follows:

Ayes, 53; noes, 5.

Gentlemen voting in the affirmative were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Batsell, Bottom, Bradley, Camp, Campbell, Cavender, Chestnut, Craig, Cummings, Donaldson, Draper, Drenning, Emery, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Grover, Hersey, Hidden, Hollinberg, Houts, Hutchins, Johnston (70th), Jones, Lacock, Laing, Miller, Moore, McBride, Orem, Pickering, Rogers (54th), Saqui, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Twombly, Williams (9th), Williams (18th), Wood.

Gentlemen voting in the negative were—

Messrs. Eskridge, Hawks, Rogers (60th), Smith, Walker.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed, and

The title was agreed to.

Mr. Cobb, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER—The Committee on Engrossed Bills have examined bill No. 186, "An act providing for the enrollment, organization, discipline and pay of the militia," and find the same correctly engrossed.

DAVID R. COBB,

*Chairman.*

House joint resolution No. 1, to change sections 1 and 3 of article 5 of the constitution, to allow soldiers to vote, was read third time.

The question being, Shall the bill pass? the ayes and noes being called, the vote resulted as follows:

Ayes, 55; noes, 1.

Gentlemen voting in the affirmative were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Eskridge, Fleming, Forman, Freeland, Frost, Fullington, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Johnston (70th), Jones, Kenner, Lacock, Laing, Miller, Moore, McBride, Orem, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Smith, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Twombly, Walker, Williams (9th), Williams (18th) Wood.

Mr. Emery voted no.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed, and

The title was agreed to.

By consent, bills Nos. 2, 127, 169 and 172 were made special order for Monday, at 2 o'clock, P. M.

The House resolved itself into Committee of the Whole, on special orders and unfinished business of Thursday, Mr. Grover in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back bill No. 96, and recommended the enacting clause be stricken out, reported progress, and begged leave to sit again.

Report agreed to.

On motion, the House adjourned.

## AFTERNOON SESSION.

2 O'CLOCK, P. M.

House called to order.

Speaker in the chair.

Quorum present.

The House resolved itself into Committee of the Whole for the consideration of unfinished business, Mr. Grover in the chair.

After some time spent therein the committee arose, and, through their chairman, reported back Senate joint resolution No. 1, and recommended its passage as amended; House joint resolution No. 1, and recommended that the same be indefinitely postponed.

The report of the committee was agreed to.

Bills reported favorably were ordered to be engrossed for a third reading.

The House resolved itself into Committee of the Whole, for the consideration of special orders and general orders, Mr. Snook in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back bill No. 151, and recommended its passage as amended.

Also, bill No. 117, and recommended its rejection.

Also, bill No. 131, and recommended its passage.

Also, bill No. 132, and recommended its passage.

Also, bill No. 141, and recommended that the enacting clause be stricken out.

Also, bill No. 107, and recommended the enacting clause be stricken out.

Also, bill No. 134, and recommended its passage.

Also, bill No. 135, and recommended its passage.

Also, bill No. 148, and recommended the enacting clause be stricken out.

Report of the Committee was agreed to.

Bills reported favorably were ordered to be engrossed for a third reading.

Mr. Forman, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER—The Committee on Enrolled Bills respectfully report that they have examined the following bills, and have found them correctly enrolled, and that they were placed in the hands of the Governor for his consideration, on Thursday, February 11, 1864:

Bill No. 12, "An act to establish and locate an institution for the education of the deaf and dumb at Olathe, in Johnson county."

Bill No. 78, "An act concerning mutilated, lost and destroyed bonds."

Bill No. 106, "An act regulating the rates of printers' fees."

JOHN W. FORMAN,

*Chairman.*

Mr. Smith, from the Committee on Education, made the following reports:

MR. SPEAKER—Your Committee on Education, to whom was referred bill No. 217, entitled "An act to amend an act entitled 'An act for the regulation of common schools,' approved March 2, 1863," have had the same under consideration and instruct me to report the same back and recommend that it pass and be printed.

JAMES N. SMITH,

*Chairman.*

MR. SPEAKER—The Committee on Education, to whom was referred bill No. 226, entitled "An act to provide for the payment of the professors of the State Agricultural College," have had the same under consideration and instruct me to report it back and recommend that it pass and be printed.

JAMES N. SMITH,

*Chairman.*

MR. SPEAKER—The Committee on Education, to whom was referred bill No. 224, entitled "An act to provide for the collection of money due the school fund," have had the same under consideration, and instruct me to report the same back and recommend its passage, and that it be printed.

JAMES N. SMITH,

*Chairman.*

Mr. Reynolds, from Committee on Counties, made the following report:

MR. SPEAKER—Your Committee on Counties have had under consideration bill No. 171, entitled "An act to amend an act entitled



'An act relating to counties and county officers,'" and recommend it back for the consideration of the House.

C. REYNOLDS,

*Secretary.*

On motion, the House adjourned.

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EVENING SESSION.

7 O'CLOCK, P. M.

House called to order.

Speaker in the chair.

The House resolved itself into Committee of the Whole, on general orders, Mr. Cummings in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back bill No. 107, and recommended the enacting clause be stricken out.

Also, bill No. 126, and recommended its passage as amended.

Also, bill No. 136, and recommended its passage as amended.

Also, bill No. 150, and recommended its passage.

Also, bill No. 153, and recommended it be made the special order for Wednesday next.

Also, House joint resolution No. 4, and recommended its passage.

Also, bill No. 130, and recommended its passage.

Also, bill No. 139, and recommended the enacting clause be stricken out.

Also, bill No. 144, and recommended its passage as amended.

Report of committee agreed to.

Bills reported favorably upon ordered to be engrossed for a third reading.

On motion the House adjourned.

## MORNING SESSION.

FRIDAY, FEBRUARY 12, 1864, 9 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees — Messrs. Ellis, Eskridge, Freeland, Glick, Houts, Johnson (1st), Kenner, Lingo, McBride and Wood.

Journal of yesterday read, corrected and approved.

Mr. Sternberg presented the petition of William Fisher and 18 others, praying for a change of county lines.

Referred to Committee on County Seats and County Lines.

Mr. Sternberg presented claim of Ridenour & Baker.

Referred to Committee on Claims.

Mr. Eskridge presented the petition of Ross Thomas and others for a law to issue bonds to build a school house.

Referred to Committee on Education.

Mr. Barnes presented the petition of A. Brown and 95 others, remonstrating against the change of county lines of Jefferson county.

Referred to Committee on County Seats and County Lines.

Mr. Cobb, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER—The Committee on Engrossed Bills have examined bill No. 151, "An act to authorize the organization of companies for local police purposes," bill No. 131, "An act to authorize consuls to take acknowledgments of deeds and other instruments," bill No. 132, "An act in relation to recording mortgages," bill No. 134, "An act to provide for the limitation of actions in certain cases," bill No. 135, "An act concerning deeds made by town companies," bill No. 136, "An act to abolish certain streets and alleys," and bill No. 150, "An act supplemental to an act entitled 'An act to incorporate cities of the State of Kansas,' approved March 4, 1862," and find the same correctly engrossed.

DAVID R. COBB,

*Chairman.*

Mr. Stratton, from Committee on Federal Relations, made the following reports:

MR. SPEAKER—Your committee' to whom was referred a certain resolution from Lecompton, would refer the same back to the House and recommend that it be laid on the table.

C. H. STRATTON,

*Chairman.*

MR. SPEAKER—Your committee, to whom was referred a certain petition from Osage county, would beg leave to refer the same back to the House and recommend that it be laid on the table.

C. H. STRATTON,

*Chairman.*

MR. SPEAKER—Your committee, to whom was referred House joint resolution No. 7, would beg leave to report the same back to the House and recommend its indefinite postponement.

C. H. STRATTON,

*Chairman.*

Mr. Grover, from Committee on Elections, made the following report:

MR. SPEAKER—The Committee to whom was referred bill 237, "An act to amend an act entitled 'An act providing for the election of township officers,' approved May 21st, 1861," have had the same under consideration, and they instruct me to report the same back to the House and recommend its passage, and that it be printed.

O. J. GROVER,

*Chairman.*

MR. SPEAKER—The Committee on Elections, to whom was referred House bill No. 239, "An act to amend an act entitled 'An act relating to township officers,' approved February 27th, 1860," have had the same under consideration, and instruct me to report the same back to the House and recommend its passage, and that it be printed.

O. J. GROVER,

*Chairman.*

Mr. Moore, from Committee on Corporations other than Banks, to whom was referred bill 215, entitled "An act declaring the Kansas river not navigable, and authorizing the building of bridges across the same," have had the same under consideration and direct me to re-

port the same back to the House and recommend the printing of the same, and also recommend its passage.

GEO. A. MOORE,

*Chairman.*

Mr. Moore, from Committee on Corporations other than Banks, made the following report :

MR. SPEAKER—The Committee on Corporations, to whom was referred bill No. 223, entitled "An act to amend an act entitled 'An act to regulate agencies of insurance companies not incorporated by the State of Kansas,' approved February 20, 1863," have had the same under consideration and direct me to report the same back to the House and recommend that it be printed and that it do pass.

GEO. A. MOORE,

*Chairman.*

Mr. Rogers, from Committee on Public Institutions, made the following report:

MR. SPEAKER—Your committee, to whom was referred House bill No. 203, "An act to provide for the erection, in part, of the State Insane Asylum at Osawatomie," have had the same under consideration and instruct me to report the same back to the House and recommend that it pass and be printed.

D. ROGERS,

*Chairman.*

The following communication was received from the Auditor of State:

OFFICE OF AUDITOR OF STATE, }  
TOPEKA, Feb. 11, 1864. }

*To the House of Representatives of the State of Kansas:*

Gentlemen—In answer to your resolution of Feb'y 11th, 1864, calling on me for a statement of the amount of warrants drawn on the Treasurer, for all purposes relating to the State Penitentiary, would most respectfully state that the total amount drawn to this date, for State Penitentiary purposes, exclusive of the amount drawn for keeping and clothing convicts, amounts to two thousand four hundred and seventy-three dollars and ninety-five cents (\$2,473.95) as follows:

To—	
C. S. Lambdin, commissioner to locate penitentiary,	\$153.00
John McCartney, services as surveyor,	27.50
Charles Starnes, commissioner to locate penitentiary,	57.75
M. S. Adams, " " "	66.00
M. S. Adams, " " "	18.00
Charles Starnes, " " "	18.00
Abel Whiting, for land sold for penitentiary site,	660.00
S. S. Ludlum, services as director,	188.20
William Dunlap, services as director,	208.60
John Wilson, services as director,	29.00
Bulletin office, publishing plan for building,	6.50
W. Dunlap, services as director,	89.20
S. S. Ludlum, services as director,	62.50
D. W. Wilder & Co., publishing notice to architects,	12.00
W. Dunlap, services as director,	95.00
S. S. Ludlum, services as director,	122.00
John Wilson, services as director,	90.00
G. F. Carr, for plan and estimate of building,	508.00
Bulletin Printing Co., publishing proposals, &c.,	60.00
	<hr/>
	\$2,473.95

All of which is most respectfully submitted.

ASA HAIRGROVE,

*Auditor of State.*

The following communication was received from the Senate, and The House voted to concur in Senate amendment to bill No. 19.

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has passed bill No. 105, "An act appropriating certain money in Morris county, Kansas."

Also, bill No. 108, "An act relating to the endowment fund of the State University," with amendments herewith transmitted.

Bill No. 19, "An act to organize the State Normal School."

In which amendments the concurrence of the House is respectfully requested.

The Senate has concurred in the following concurrent resolutions.  
viz:

House concurrent resolution No. 17, in relation to a daily mail from Topeka, Kansas, to Emporia.

House concurrent resolution No. 18, asking for a daily mail from Topeka to Council Grove.

House concurrent resolution No. 19, asking that the Postmaster General be requested to increase the mail service on route No. —, from Lawrence *via* Baldwin City, Peoria City and Paola to Osawatimic, to a daily mail.

House concurrent resolution No. 20, asking a mail route from Atchison to Troy.

The Senate has also adopted Senate concurrent resolution No. 15, in reference to Indian tribes within the State of Kansas, in which the concurrence of the House is respectfully requested.

JOHN T. MORTON,

*Secretary of Senate.*

Mr. Johnson, from Committee on Ways and Means, made the following report:

MR. SPEAKER—The Committee on Ways and Means have had under consideration bill No. 242, and instruct me to report the same back to the House and recommend its passage.

JNO. P. JOHNSON,

*Chairman.*

The following resolution, offered on previous day, was, on motion, indefinitely postponed:

*Resolved by the House of Representatives (the Senate concurring),* That the Legislature adjourn *sine die*, on the 25th day of February, A. D. 1864, at 12 o'clock, M.

Mr. Johnson, from Committee on Ways and Means, made the following report:

MR. SPEAKER—The Committee on Ways and Means, to whom was referred a resolution asking an appropriation to print the laws of this session, in German, have had the same under consideration and instruct me to report the same back to the House, and recommend that all after *Zeitung* be stricken out, and the resolution as thus amended be adopted.

JNO. P. JOHNSON.

*Chairman Com. on Ways and Means:*

The resolution will then read as follows:

*Resolved*, That the laws of the present session be published in German in the *Kansas Zeitung*.

Mr. Rogers introduced bill No. 244, entitled "An act fixing the boundaries of Osage and Morris counties."

Read first time.

House bill 151, "An act to authorize the organization of companies for local police purposes," was read third time.

The question being, Shall the bill pass?

The ayes and noes being called, resulted as follows:

Ayes, 50; noes, 6.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cummings, Donaldson, Emery, Fleming, Fox, Freeland, Frost, Grover, Hawks, Hidden, Hollinberg, Houts, Hutchins, Irwin, Lacock, Laing, Moore, McBride, McCulloch, Orem, Reynolds, Saqui, Saunders, Snook, Sternberg, Stephens, Stone, Stratton, Thoman, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Wood.

Gentlemen voting no were—

Messrs. Evans, Miller, Pickering, Rogers (54th), Smith, Taylor.

A constitutional majority having voted in favor of the passage of the bill,

And so the bill passed, and

The title was agreed to.

House bill 131, "An act to authorize consuls to take acknowledgments of deeds and other instruments," was read the third time.

The question being, Shall the bill pass? the ayes and noes being called, the vote resulted as follows:

Ayes, 56; noes, 3.

Gentlemen voting in the affirmative were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Camp, Campbell, Chestnut, Craig, Cummings, Donaldson, Eskridge, Fleming, Fox, Freeland, Frost, Fullington, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Kenner, Lacock, Laing, Lingo, Miller, Moore,

## MORNING SESSION.

FRIDAY, FEBRUARY 12, 1864, 9 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees — Messrs. Ellis, Eskridge, Freeland, Glick, Houts. Johnson (1st), Kenner, Lingo, McBride and Wood.

Journal of yesterday read, corrected and approved.

Mr. Sternberg presented the petition of William Fisher and 18 others, praying for a change of county lines.

Referred to Committee on County Seats and County Lines.

Mr. Sternberg presented claim of Ridenour & Baker.

Referred to Committee on Claims.

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Referred to Committee on Education.

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Referred to Committee on County Seats and County Lines.

Mr. Cobb, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER—The Committee on Engrossed Bills have examined bill No. 151, "An act to authorize the organization of companies for local police purposes," bill No. 131, "An act to authorize consuls to take acknowledgments of deeds and other instruments," bill No. 132, "An act in relation to recording mortgages," bill No. 134, "An act to provide for the limitation of actions in certain cases," bill No. 135, "An act concerning deeds made by town companies," bill No. 136, "An act to abolish certain streets and alleys," and bill No. 150, "An act supplemental to an act entitled 'An act to incorporate cities of the State of Kansas,' approved March 4, 1862," and find the same correctly engrossed.

DAVID R. COBB,

*Chairman.*



Mr. Stratton, from Committee on Federal Relations, made the following reports:

MR. SPEAKER—Your committee' to whom was referred a certain resolution from Lecompton, would refer the same back to the House and recommend that it be laid on the table.

C. H. STRATTON,

*Chairman.*

MR. SPEAKER—Your committee, to whom was referred a certain petition from Osage county, would beg leave to refer the same back to the House and recommend that it be laid on the table.

C. H. STRATTON,

*Chairman.*

MR. SPEAKER—Your committee, to whom was referred House joint resolution No. 7, would beg leave to report the same back to the House and recommend its indefinite postponement.

C. H. STRATTON,

*Chairman.*

Mr. Grover, from Committee on Elections, made the following report:

MR. SPEAKER—The Committee to whom was referred bill 237, "An act to amend an act entitled 'An act providing for the election of township officers,' approved May 21st, 1861," have had the same under consideration, and they instruct me to report the same back to the House and recommend its passage, and that it be printed.

O. J. GROVER,

*Chairman.*

MR. SPEAKER—The Committee on Elections, to whom was referred House bill No. 239, "An act to amend an act entitled 'An act relating to township officers,' approved February 27th, 1860," have had the same under consideration, and instruct me to report the same back to the House and recommend its passage, and that it be printed.

O. J. GROVER,

*Chairman.*

Mr. Moore, from Committee on Corporations other than Banks, to whom was referred bill 215, entitled "An act declaring the Kansas river not navigable, and authorizing the building of bridges across the same," have had the same under consideration and direct me to re-

Gentlemen voting in the affirmative were—

Messrs. Ayers, Barnes (8th), Barnes (21st), Batsell, Bottom, Campbell, Chestnut, Craig, Cummings, Donaldson, Draper, Drenning, Eskridge, Fleming, Forman, Fox, Freeland, Frost, Fullington, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Kenner, Lacock, Laing, Miller, Moore, McBride, McCulloch, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Gentlemen voting in the negative were—

Messrs. Belding, Bradley, Evans, Lingo.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed, and

The title was agreed to.

House bill No. 150, "An act supplemental to an act entitled "An act to incorporate cities of the State of Kansas, approved March 4, 1862," was read the third time.

The question being, Shall the bill now pass? and the ayes and noes being called, resulted as follows:

Ayes, 58; noes, 3.

Gentlemen voting in the affirmative were—

Messrs. Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Camp, Campbell, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Emery, Eskridge, Evans, Forman, Freeland, Frost, Fullington, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Johnson (1st), Johnston (70th), Kenner, Lacock, Laing, Miller, Moore, Orem, Pickering, Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Gentlemen voting in the negative were—

Messrs. Fleming, Fox, McCulloch.

A constitutional majority having voted for the passage of the bill,

So the bill passed, and

The title was agreed to.

House Joint resolution No. 1, to amend section 3, of article 5, of the constitution of the State of Kansas, was read the third time,

The question being, shall the bill pass? and the ayes and noes being called, resulted as follows:

Ayes, 66; noes 0.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Johnson (1st), Johnston (70th), Kenner, Lacock, Laing, Lingo, Miller, Moore, McBride, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Williams (18th).

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House bill No. 126, "An act for the preservation of bridges," was read the third time.

The question being, Shall the bill pass? and the ayes and noes being called, resulted as follows:

Ayes, 64; noes, 1.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Buck, Camp, Campbell, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Johnson (1st), Johnston (70th), Kenner, Lacock, Laing, Lingo, Miller, McBride, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Saqui, Saunders, Smith, Snook, Sternberg, Stone, Stratton, Taylor, Thoman, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Mr. Rogers (60th) voted no.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Mr. Cobb, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER—The Committee on Engrossed Bills have examined bill No. 130, "An act to amend an act incorporating towns and villages, approved February 1, 1859," bill No. 126, "An act for the protection of bridges," and bill No. 144, "An act for the protection of game."

DAVID R. COBB,

*Chairman.*

House bill No. 130, an act entitled "An act to amend an act incorporating towns and villages, approved Feb. 1, 1859," was read third time.

The question being, Shall the bill now pass?

The ayes and noes being called, resulted as follows:

Ayes, 51, noes, 9.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Eskridge, Evans, Forman, Fullington, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th), Kenner, Lacock, Laing, Lingo, Miller, McBride, McCulloch, Orem, Reynolds, Rogers (54th), Rogers (60th), Saqui, Stephens, Stone, Stratton, Thoman, Twombly, Wakefield, Walker, Williams (9th) Williams (18th), Wood.

Gentlemen voting no were—

Messrs. Belding, Emery, Fleming, Frost, Grover, Saunders, Smith, Snook, Sternberg.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

The following communication was received from the Governor:

STATE OF KANSAS, EXECUTIVE DEPARTMENT, }  
TOPEKA, February 11, 1864.

*Gentlemen of the Senate and House of Representatives:*

Some time since, I transmitted to you the report of the commissioners appointed to locate the State Insane Asylum.

The title deeds to the site selected have been received, and deposited with the Auditor of State.

There are a number of distressing cases of insanity in the State, which strongly appeal to the humanity of the Executive and the Legislature. Motives of duty, as well as philanthropy, should prompt you to make some provision for their maintenance.

It is not my province to say what measures should be taken for the accomplishment of this end. I believe there are tenements upon the site belonging to the State, which, if repaired and improved, might answer the purposes of the State for some time to come.—Whether it is advisable for you to make an appropriation for this object, or to arrange for the maintenance of the insane in the asylum of some other State, is for you to determine.

It is highly essential that some action should be taken. I trust that you will give the subject your careful attention, and make such provisions for this unfortunate class as their necessities may demand, and the interests of the State justify.

THOMAS CARNEY.

House bill No. 144, "An act to protect game," was read third time.

The question being, Shall the bill now pass?

The ayes and noes being called resulted as follows:

Ayes, 35; noes, 23.

Gentlemen voting aye were—

Messrs. Alford, Barnes (8th), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Chestnut, Cummings, Eakridge, Fleming, Freeland, Glick, Hutchins, Miller, Moore, McBride, McCulloch, Orem, Reynolds, Rogers (60th), Saqui, Snook, Sternberg, Stephens, Stone, Stratton, Thoman, Twombly, Walker, Williams (9th), Wood.

Gentlemen voting no were—

Messrs. Ayers, Barnes (21st), Cavender, Cobb, Emery, Forman, Fox, Frost, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Irwin, Johnson (1st), Johnston (70th), Kenner, Lacock, Lingo, Smith, Taylor, Throckmorton, Wakefield, Williams (18th).

A constitutional majority not having voted in favor of the passage of the bill,

So the bill did not pass.

On motion of Mr. Glick,

The vote by which bill No. 144 was lost was reconsidered.

The House resolved itself into Committee of the Whole, on general orders, Mr. Laing in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back to the House, and reported progress, and asked leave to sit again.

The report of the Committee of the Whole was agreed to.

The House resolved itself into Committee of the Whole, for the consideration of special orders for eleven o'clock, Mr. Craig in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back to the House bill No. 199, reported progress, and asked leave to sit again.

On motion the House adjourned.

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#### AFTERNOON SESSION.

TWO O'CLOCK, P. M.

House called to order.

Speaker in the chair.

Quorum present.

The House resolved itself into Committee of the Whole for the consideration of unfinished business, Mr. Craig in the chair.

After some time spent therein the committee arose, and, through

their chairman, reported back to the House bill No. 197, and recommended its passage as amended.

Reported progress on bills Nos, 195, 197, 204 and 196.

Report of the Committee of the Whole was agreed to.

The following communication was received from the Governor:

STATE OF KANSAS, EXECUTIVE OFFICE, }  
TÓPEKA, February 12, 1864. }

*To the House of Representatives:*

I have this day approved bill No. 49, "An act to amend an act entitled 'An act to incorporate the Southern Kansas Pacific Railroad Company.'"

Also, bill No. 164, "An act to abolish grand juries, and to provide for the trial of offenses upon information."

Also, bill No. 12, "An act to establish and locate an institution for the education of the deaf and dumb, at Olathe, in Johnson county."

Also, bill No. 98, "An act concerning certain mutilated, lost and destroyed bonds."

Also, bill No. 45, "An act to provide for the election of County Attorneys, and prescribing their duties."

Also, bill No. 154, "An act relating to costs in criminal cases."

I herewith return, without my approval, bill No. 106, "An act regulating the rates of printers' fees," it being in conflict with section 16, article 2 of the constitution. I enclose the opinion of the Attorney General.

I also transmit a communication from the Attorney General in relation to the decision of the Supreme Court in the case of the State *vs.* Stringfellow.

THOS. CARNEY.

OFFICE OF ATTORNEY GENERAL, }  
February 14, 1864. }

*Hon. Sir*—I have examined bill No. 106, by you submitted to me, and have to advise you that it is in conflict with section 16 of article 2 of the constitution.

The bill provides that, instead of certain fees now allowed by act of 1863, (section No. 20,) certain other fees shall be allowed.

This bill then amends said section 20, as it changes the law as now existing and passed in said section, and therein is amendatorial.

If I am right, the friends of the bill fail to accomplish the end desired, since said section 20 will remain the law; and further, should said bill be approved by you, it will be acted under as law until passed upon by the courts, which may not be for years to come, during which time, since it relates to delinquent lands, great injustice might result. Therefore, for the reasons given, and especially since ample time now remains to accomplish the purpose desired without incurring any doubt as to the constitutionality thereof, I would advise you to return the bill for further consideration.

Respectfully, your obedient servant,

W. W. GUTHRIE,

*Attorney General.*

To his Excellency, Thomas Carney, Governor of the State of Kansas.

OFFICE OF ATTORNEY GENERAL, }  
TOPEKA, KANSAS, February 11, 1864. }

*Hon. Sir:* I have the honor to report to you that the Supreme Court has decided, in the case of the State vs. Stangfellow, that those lands reserved for school purposes in the 34th section of the organic act, became thereby granted to the Territory of Kansas, and subject to the disposal of the Territorial Legislature, and that so much of said lands, to wit: about ten sections, as were authorized to be sold by the territorial act of A. D. 1855, have been legally sold, and therefore do not now compose any portion of the school lands of the State, and that the proceeds of such sale constituted a Territorial school fund, which, if now undisposed of, belong to the State for school purposes. Under the provisions of said act of A. D. 1855, such proceeds were to be paid into the several township treasuries of those townships having the land so sold. I learn that in some cases this was done, in other cases that notes were given, and that in some cases the money was loaned, but in no event was any of the money ever paid into any of the Territorial school fund, nor has any been paid into the hands of the State of Kansas. Where such proceeds now are, or of their existence, I only know by reputation.

No provision having ever been made for the disposal of the school lands of the State, no law exists, of which I am aware, authorizing



the receiving of such sales until some provision by law is made, these moneys are unavailable to the State. Originally, these proceeds amounted to about \$8,000, and, if properly cared for, must now amount to a much larger sum. As the matter now stands, some legislation is desirable.

Prior to this decision, most of the eminent lawyers of the State held to a different opinion from that pronounced by the Court. In announcing the decision, the Chief Justice expressed the desire that the question ought to be passed upon by a higher tribunal, owing to the vast importance involved. The land now is, and undoubtedly was at the time of the passage of the act of 1855, of much greater value than that fixed in said act.

The case is now in such condition that it can be carried to the Supreme Court of the United States, if deemed advisable. While I cannot agree with the Supreme Court, I am unwilling to take the responsibility of carrying the case any further. The effect of this decision is a decree that all the school lands were granted to the Territory by the organic act, and those undisposed of, viz: now held by the State as the successor of the Territory; that the State took no school lands by grant in the act of admission, except in lieu of sections 16 and 36, disposed of under the joint resolution of Congress of A. D. 1859.

Since the matter must be acted upon by the Legislature, if such decision shall remain undisturbed, I very respectfully suggest to you that you advise the Legislature of the information hereby furnished, and should the honorable body think it advisable that such question be submitted to a higher tribunal, I will carry their desire into effect; or should I be furnished with the authority so to do, I will endeavor to secure to the State the proceeds of said sales.

I am, very respectfully, your ob't serv't,

W. W. GUTHRIE,

*Attorney General.*

To his Excellency, Thomas Carney, Governor of the State of Kansas.

Mr. Forman, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER—The Committee on Enrolled Bills ask leave to re-

port that they have examined the following bills, and find them correctly enrolled, and that the same have been placed in the hands of the Governor for his consideration, on Thursday, February 11, 1864, to wit:

Bill No. 154, "An act in relation to costs in criminal cases."

Bill No. 164, "An act to abolish grand juries and to provide for the trial of offenses upon information."

JOHN W. FORMAN,

*Chairman.*

WHEREAS, the people living in the immediate vicinity of the present mail route from Lawrence, *via* Baldwin City, Peoria City, Paola to Osawatomie, are suffering many inconveniences for the want of increased service upon said mail route; therefore,

*Resolved by the House of Representatives of the State of Kansas, (the Senate concurring therein),* That the Post Office Department at Washington be requested to require the parties having the contract for carrying the mail from Lawrence to Paola and Osawatomie, on route No. —, to supply the post offices on said route with a daily mail.

*Resolved,* That our Senators are instructed, and our Representatives in Congress be earnestly requested to use their influence to secure a daily mail on the route aforesaid.

*Resolved,* That the Secretary of State be requested to forward a copy of these resolutions to the Postmaster General, and to each of our Representatives in Congress.

WHEREAS, the mail route from Atchison City, by the way of Troy, White Cloud to Nebraska City has been discontinued; and whereas thereby Northern Kansas and Nebraska have been deprived of mail facilities with the remainder of Kansas; therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That the Postmaster General is hereby respectfully but earnestly requested to resume service upon said route, so as to run a daily mail from Atchison to Troy, at as early a day as possible.

*Resolved, further,* That our Senators and Representatives in Congress are hereby requested and urged to use their influence to procure the re-opening of said mail route.

*Resolved, 3rd,* That the Secretary of State be requested to forward an official copy of the resolutions to each of our Senators and

Representatives in Congress, and also to the Postmaster General, and urge his compliance with the same.

*Resolved by the House of Representatives of the State of Kansas, (the Senate concurring therein,)* That the Postmaster General of the United States is hereby requested to increase the service in the west from Topeka, by way of Auburn and Burlingame, to Emporia, in Lyon county, to daily mail service.

*Resolved,* That our Senators and Representatives are hereby requested to use their influence to serve the object of this resolution.

*Resolved,* That the Secretary of State be and he is hereby requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress, and to the Postmaster General of the United States.

WHEREAS, a daily mail from Topeka, Kansas, to Council Grove, would connect the capital of our State, as well as Leavenworth, Atchison, Lawrence and Kansas City, direct with the great Santa Fe mail route, and would expedite the transmission of mail matter to New Mexico and Arizona, as well as southwest Kansas, therefore,

*Resolved by the House of Representatives, (the Senate concurring,)* That the Postmaster General is hereby respectfully but earnestly requested to increase service on mail route No. 14,224, from Topeka to Council Grove, to six times a week.

*Resolved, further,* That our Senators and Representatives in Congress are hereby requested and urged to use their influence to secure said increase of mail service.

*Resolved,* That the Governor be requested to forward an official copy of these resolutions to each of our Senators and Representatives in Congress; also, to the Postmaster General, and urge his compliance with the same.

Bills reported favorably upon by Committee of the Whole were ordered to be engrossed.

On motion, House adjourned until to-morrow, at 10 o'clock.

## MORNING SESSION.

SATURDAY, FEB. 13, 1864, 10 o'clock, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Mr. Laing presented petition of J. S. Pendery and others, in relation to the game law.

Referred to Committee on Agriculture.

Mr. Cobb, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER—The Committee on Engrossed Bills have examined bill No. 192, "An act to provide for the expenses of the militia, incurred in the protection of the State, in the years 1861, 1862 and 1863," and find the same correctly engrossed.

Mr. Twombly presented petition of H. H. Smith and others, against a change in the location of the State Penitentiary.

Referred to Committee on Public Institutions.

Mr. Eskridge, from special committee, made the following report:

MR. SPEAKER—Your special committee, to whom was referred the resolution directing inquiry in relation to the bill against the State, presented to the Committee on Ways and Means, for pair of gloves, dry goods, &c., beg leave to report that the item of gloves in said bill was inserted by mistake of the merchant in making out his bill, as appears from the following statement, over his signature:

"The item in our bill against the State, of one pair of gloves, is a mistake of ours, and should not have been inserted in the bill, as no such article was purchased by the Secretary of State or on his order on account of the State.

G. W. VEALE,

Merchant.

"Topeka, Feb. 12, 1864."

Your committee further find that the "dry goods" charged to have been purchased consist in cloth for covering desks, stands and

tables in the halls of the Senate, House of Representatives and State offices. So far as your committee can ascertain, there are no just grounds for charging the Secretary of State with purchasing unnecessary articles on account of the State.

C. V. ESKRIDGE,

*Chairman.*

The following communication was received from the Senate:

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has rejected bill 189, "An act to amend an act entitled 'An act to provide for the assessment and collection of taxes.'"

JOHN T. MORTON,

*Secretary of Senate.*

MR. SPEAKER—I am instructed to inform the House of Representatives that the Senate has concurred in the amendments made by the House to Senate joint resolution No. 1, to amend section 3 of article 5 of the constitution of the State of Kansas.

Also, that the Senate has rejected bill No. 124, "An act to amend an act entitled 'An act exempting certain property from sale on execution or other process.'"

JOHN T. MORTON,

*Secretary of Senate.*

House non-concurred in Senate amendment to bill No. 37.

House non-concurred in Senate amendment to bill No. 116.

Gentlemen voting aye were—

Messrs. Alford, Barnes (21st), Bottom, Bradley, Cobb, Fleming, Grover, Kenner, Rogers (60th), Stephens, Wood—11.

Gentlemen voting in the negative were—

Messrs. Ayers, Barnes (8th), Belding, Batsell, Buck, Campbell, Cavender, Craig, Draper, Drenning, Emery, Eskridge, Forman, Frost, Freeland, Fox, Grover, Hawks, Hidden, Hollinberg, Houts, Irwin, Johnson (1st), Jones, Lacock, Laing, Miller, McBride, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Saqui, Saunders, Smith, Snook, Stone, Stratton, Taylor, Thoman, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Williams (18th)—48.

The following communication was received from the Senate:

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has passed bill No. 120,

with amendments, "An act supplemental to an act entitled 'An act to establish a code of criminal procedure.'"

Also, bill 84, "An act to change the term of the District Court in the third judicial district."

Also, (with amendments herewith transmitted), bill No. 37, "An act regulating the granting of pardons."

Also, (with amendments herewith transmitted), bill No. 116, "An act to prevent dogs from running at large that have been bitten by a mad dog."

JOHN T. MORTON,

*Secretary of Senate.*

Mr. Wood offered House concurrent resolution No. 27, relating to judgeships of the District Court of the United States for the district of Kansas.

On motion of Mr. Wood,

The rules were suspended, and the resolution read the second time.

Mr. — moved that the resolution be referred to the Committee on Judiciary.

Upon which the ayes and noes being called, resulted as follows:

Ayes, 22; noes, 36.

Gentlemen voting in the affirmative were—

Messrs. Belding, Bottom, Brumbaugh, Cavender, Draper, Drenning, Emery, Eskridge, Fox, Frost, Grover, Hawks, Houts, Johnston, (70th), Jones, Lingo, McCulloch, Reynolds, Stephens, Stone, Wakefield, Williams (18th).

Gentlemen voting in the negative were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Bradley, Buck, Camp, Campbell, Craig, Fleming, Forman, Freeland, Fullington, Glick, Hidden, Hollinberg, Irwin, Johnson (1st), Lacock, Laing, Miller, McBride, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Stratton, Taylor, Thoman, Throckmorton, Twombly, Walker, Williams (9th), Wood.

So the resolution was not referred.

The question recurring upon the adoption of the resolution,

The ayes and noes being called, resulted as follows:

Ayes, 40; noes, 15.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Bottom, Buck, Camp, Campbell, Craig, Cobb, Drenning, Evans, Fleming, Forman, Fox, Freeland, Fullington, Glick, Hidden, Houts, Irwin, Lacock, Laing, Miller, McBride, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Snook, Stratton, Taylor, Twombly, Wakefield, Walker, Williams (9th), Wood.

Gentlemen voting no were—

Messrs. Batsell, Bradley, Brumbaugh, Cavender, Emery, Eskridge, Frost, Hawks, Hollinberg, Johnston (70th), Jones, Lingo, McCulloch, Orem, Stephens.

Mr. Glick introduced bill No. 245, entitled "An act to authorize certain cities to collect delinquent taxes."

Read first time.

On motion of Mr. Glick,

The rules were suspended, and

Bill 245 was read second time, and

Referred to a special committee of one—Mr. Glick.

Mr. Smith introduced bill No. 246, entitled "An act concerning the manufacture and sale of spirituous and intoxicating liquors."

Read first time.

House bill No. 244, "An act fixing the boundaries of Osage and Morris counties," was read the second time, and

Referred to Committee on County Seats and County Lines.

Bill No. 144, "An act for the protection of game," was read the third time.

The question being, Shall the bill now pass? and the ayes and noes being called, resulted as follows:

Ayes, 41; noes, 15.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Cobb, Draper, Emery, Eskridge, Fleming, Freeland, Glick, Hidden, Houts, Johnston (70th), Jones, Kenner, Laing, Miller, McBride, McCulloch, Orem, Pickering, Rogers (60th), Smith, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Williams (9th), Wood.

Gentlemen voting no were—

Messrs. Drenning, Evans, Forman, Fox, Frost, Hawks, Hollinberg, Lacock, Lingo, Reynolds, Rogers (54th), Saunders, Throckmorton, Twombly, Wakefield, Walker, Williams (18th).

A constitutional majority having voted in favor of the passage of the bill, •

So the bill passed, and

The title was agreed to.

House bill No. 199, "An act making appropriation for the payment of the State militia," was read the third time.

The question being, Shall the bill now pass? the ayes and noes being called, resulted as follows:

Ayes, 47; noes, 6.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (8th), Barnes (21st), Belding, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Chestnut, Craig, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Grover, Hidden, Hollinberg, Houts, Irwin, Kenner, Laing, Miller, McBride, McCulloch, Orem, Pickering, Reynolds, Rogers, (54th), Saunders, Smith, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Wood.

Gentlemen voting no were—

Messrs. Batsell, Cavender, Hawks, Johnson (1st), Lacock, Williams (18th).

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to as amended.

The following report was made from the Committee on Enrolled Bills, by their chairman:

MR. SPEAKER—The Committee on Enrolled Bills have examined the following bills, and have found them correctly enrolled, to wit:

Senate joint resolution No. 1, to amend section 3, of article 5, of the constitution of the State of Kansas.

Bill No. 19, "An act to organize the State Normal School."

Bill No. 185, "An act appropriating certain moneys in Morris county."

Senate joint resolution No. 6, "Joint resolution granting the



right of way for a railroad from Fort Leavenworth to Fort Scott, and to obtain a grant of land for the same."

JOHN W. FORMAN,

*Chairman.*

House bill No. 142, special order for 11 o'clock, was, by consent, made special order for 2 o'clock, P. M.

On motion, the House adjourned.

#### AFTERNOON SESSION.

2 O'CLOCK, P. M.

House called to order.

Speaker in the chair.

Quorum present.

On motion of Mr. Lacock,

The House resolved itself into Committee of the Whole on special order, bill No. 142, "An act to change the location of the State penitentiary."

After some time spent therein, the committee arose, and, through their chairman, reported progress on bill No. 142, and recommended that it be made the special order for Monday, at 7 o'clock, P. M.

Report of Committee agreed to.

Mr. Glick, from Committee on County Seats and County Lines, made the following report:

MR. SPEAKER—Your committee, to whom was referred bill No. 196, entitled "An act defining the boundaries of Douglas county," have had the same under consideration, and have directed me to report the original bill, No. 196, and recommend its rejection, and also report the following substitute back for the bill, and the petition on the same subject, without recommendation, and recommend that the substitute be printed for the use of the House.

G. W. GLICK,

*Chairman.*

Mr. Glick, from special committee, made the following report:

MR. SPEAKER—Your committee, to whom was referred bill No. 245, entitled "An act to authorize certain cities to collect delinquent taxes and assessments," have had the same under consideration, and beg leave to report the same back and recommend its passage as amended, and that it be printed.

G. W. GLICK,

*Chairman.*

On motion, the House adjourned.

#### MORNING SESSION:

MONDAY, FEB. 15, 1864, 10 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Prayer by Rev. Mr. Steele.

Journal of Saturday read and approved.

Mr. Craig presented petition of George O. Chap and others, to have the name of Kickapoo City changed.

Referred to Committee on Corporations.

Mr. Saunders, from Committee on Judiciary, made the following report:

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 208, entitled "An act authorizing County Commissioners to loan certain moneys therein named to townships," and instruct me to report the same back to the House, and recommend its printing and passage.

W. R. SAUNDERS,

*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 214, "An act to change the term of court

in the fifth judicial district," and instruct me to report the same back to the House, with the accompanying substitute, and recommend the passage of the substitute, without being printed.

W. R. SAUNDERS,

*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration bill No. 232, "An act to establish a code of civil procedure, approved Feb. 11, 1859," and instruct me to report the same back to the House, and recommend its printing for consideration.

W. R. SAUNDERS,

*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration bill No. 221, "An act regulating oaths and prescribing the oaths of officers," and instruct me to report the same back to the House, and recommend its rejection.

W. R. SAUNDERS,

*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration bill 236, "An act to authorize the city of Atchison to levy a tax to pay off judgments," and instruct me to report the same back to the House without recommendation.

W. R. SAUNDERS,

*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 225, "An act exempting certain property from sale on execution," and instruct me to report the same back to the House, and recommend its passage without being printed.

W. R. SAUNDERS,

*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration [bill] 227, "An act to amend an act entitled 'An act regulating crimes and punishments of crimes against the persons of individuals,'" and instruct me to report the same back to the House, and recommend its rejection.

W. R. SAUNDERS,

*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 234, "An act concerning Register of Deeds

of Lyon county, elected in the fall of 1863," and instruct me to report the same back, and recommend its rejection.

W. R. SAUNDERS,

*Chairman.*

The following communication was received from the Senate:

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has adopted Senate concurrent resolution No. 17, in relation to treaties with Indian tribes, in which the concurrence of the House is respectfully requested.

JOHN T. MORTON,

*Secretary of Senate.*

Mr. Lacock introduced bill No. 247, entitled "An act to amend an act supplemental to an act for the assessment and collection of taxes."

Read first time.

On motion of Mr. Lacock,

The rules were suspended, and

Bill 247 was read second time.

On motion of Mr. Lacock,

The rules were suspended, and

Bill No. 247 was read third time.

The question being, Shall the bill now pass?

The ayes and noes being called, resulted as follows:

Ayes, 60; noes, 0.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Buck, Camp, Campbell, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Ellis, Emery, Eskridge, Evans, Fleming, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnston (70th), Jones, Lacock, Laing, Lingo, Miller, McBride, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Stephens, Stone, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), and Wood.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Mr. Forman, from Committee on Enrolled Bills, made the following reports:

MR. SPEAKER—The Committee on Enrolled Bills beg leave to report the following bills and joint resolutions were placed in the hands of the Governor for his consideration, on Saturday, February 13, 1864, to wit:

Senate joint resolution No. 1.

Joint resolution No. 1, to amend section three (3), of article five (5), of the constitution of the State of Kansas.

Bill No. 19, "An act to organize the State Normal School."

Bill No. 105, "An act appropriating certain moneys in Morris county."

Senate joint resolution No. 6.

Joint resolution granting the right of way for a railroad from Fort Leavenworth to Fort Scott, and to obtain a grant of land for the same.

JOHN W. FORMAN,

*Chairman.*

MR. SPEAKER—The Committee on Enrolled Bills have examined the following bills, and find them correctly enrolled, to wit:

Bill No. 108, "An act relating to the endowment fund of the State University."

Bill No. 84, "An act to change the term of the District Court in the third judicial district."

FORMAN,

*Chairman.*

Senate concurrent resolution No. 17, in relation to treaties with Indian tribes, was concurred in.

Mr. Johnson introduced bill No. 248, "An act to encourage the construction of bridges."

Read the first time.

Mr. Saunders introduced bill No. 239, "An act to provide revenue for the year 1864."

Read the first time.

Mr. Craig introduced bill No. 250, entitled "An act to change the name of the town of Kickapoo City."

Read the first time.

Mr. Rogers introduced bill No. 251, entitled "An act providing for the appointment of public administrators."

Read the first time.

Bill No. 246, "An act concerning the manufacture and sale of intoxicating liquors," was, on motion of Mr. Smith, read the second time, and

Referred to the Committee on Agriculture.

Mr. Bottom offered the following resolution, which was adopted:

Mr. Speaker appointed Messrs. Bottom, Camp and Craig as said committee:

*Resolved*, That a committee of three be appointed to repair to the Secretary's office and examine the contract and specifications made by the Directors of the State Penitentiary, with Calvin Andrews and John W. Carthy, for the erection of a portion of said penitentiary, as provided by an act of the Legislature, passed February 21, 1863, and report to this House at seven o'clock this evening, and whether in their judgment such contract has been made for the best interests of the State, and what action is necessary, if any, by this Legislature.

By consent, Mr. Cummings introduced House concurrent resolution No. 28, in relation to cavalry arms and equipments, which was adopted.

The House resolved itself into Committee of the Whole for the consideration of bills Nos. 93, 118, 91, 26 and 80. Mr. Pickering in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back bill No. 93, and recommended it be referred to a special committee of three.

Also, bill No. 118, and recommended the enacting clause be stricken out.

Also, bill No. 26, and recommended that it be referred to special committee, and be instructed to report within three days.

Also, bill No. 91, and recommended the enacting clause be stricken out.

Also, bill No. 93.

Also, bills 83, 80, 104 and other bills in relation to dram shops and intoxicating liquors, and recommended that they be referred to

a special committee, and they be instructed to report by bill within three days, and said bill take its place on the calendar.

The report of the committee was agreed to.

Bills favorably reported upon ordered to be engrossed for a third reading.

Mr. Taylor, from special committee to whom was referred bill No. 212, made the following report:

MR. SPEAKER—Your special committee, to whom was referred bill No. 212, an act entitled "An act to authorize the counties of Potawatomie, Riley, Davis, Dickinson and Saline, to issue bonds for the purpose of building bridges," have had the same under consideration, and instruct me to report the same back to the House with the following amendments:

Strike out Riley and Davis counties wherever it occurs in the bill, and that when so amended it do pass.

P. Z. TAYLOR,

*Chairman.*

Mr. Wood, by consent, introduced bill No. 252, entitled "An act authorizing the purchase of certain lots and improvements in Topeka, for State purposes."

Read the first time.

On motion of Mr. Wood,

The rules were suspended, and

Bill No. 252 was read the second time, and

Referred to Committee on Public Buildings.

Mr. Wood, by consent, introduced bill No. 253, entitled "An act appropriating money to refund the Governor for expenses incurred by him in protecting the border."

Read the first time.

On motion of Mr. Wood,

The rules were suspended, and

Bill No. 253 was read second time, and

Referred to Committee on Ways and Means.

By consent, Mr. ——— introduced bill No. 254, entitled "An act supplemental to an act to incorporate the city of Paola, approved Feb. 27, 1860."

Read first time.

On motion of Mr. Ellis,  
The rules were suspended, and  
Bill No. 254 was read the second time, and  
Referred to Committee on Corporations.  
On motion the House adjourned.

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## AFTERNOON SESSION.

Two o'clock, P. M.

House called to order.

Speaker in the chair.

Quorum present.

The House resolved itself into Committee of the Whole on special order on bill No. 2, Mr. Irwin in the chair.

After some time spent therein the committee arose, and, through their chairman, reported back bill No. 2, and recommended its passage.

Also, bill 168, and recommended its passage as amended.

Report of committee agreed to.

On motion, the House adjourned.

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## EVENING SESSION.

7 o'clock, P. M.

House called to order.

Speaker in the chair.

Quorum present.



MR. SPEAKER—Your committee, appointed to examine the contract and specifications for the construction of a portion of the State Penitentiary, would most respectfully report that the said work has been let at unwarranted and exorbitant rates, greatly to the damage of the State, and that, if possible, by Legislative action or otherwise, the State should annul said contract.

M. W. BOTTOM,  
*Chairman Committee.*

J. W. CRAIG.

Mr. Smith introduced House concurrent resolution No. 27, in relation to adjournment.

Laid over under the rules.

Mr. Wood, from special committee, made the following report:

MR. SPEAKER—The select committee to whom was referred bills Nos. 80, 104, 112, 83, 246, and others, with sundry substitutes and amendments, in reference to the sale of intoxicating liquors, have had the same under consideration, and instruct me to report them back to the House, and recommend their indefinite postponement, and that the following substitute be passed.

S. N. WOOD,  
*Chairman.*

The House resolved itself into Committee of the Whole on special order, Mr. Fullington in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back bill No. 142, and recommended its passage as amended.

Report of committee agreed to.

On motion, the House adjourned.

## MORNING SESSION.

TUESDAY, FEB. 16, 1864, 10 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Camp, Forman, Fullington, Glick, Lingo, Pickering, Saunders, Stephens, Stratton and Williams (8th).

Prayer by Rev. Mr. Alward.

Journal of yesterday read and approved.

Mr. Alford presented petition of John Buchanan and others, in relation to stock running at large at night.

Referred to Committee on Agriculture.

Mr. Emery presented claim of Henry Brown, sheriff, for pay for services.

Referred to Committee on Claims.

Mr. Cummings, from Committee on Public Buildings, made the following report:

MR. SPEAKER—Your Committee on Public Buildings, to whom was referred bill No. 193, entitled "An act providing for the erection of a State arsenal building, and making an appropriation therefor," have had the same under consideration, and report back, with the recommendation that it be printed for the consideration of the House.

J. F. CUMMINGS,

*Chairman.*

The following communication was received from the Senate:

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has passed bill No. 114, "An act to establish the eastern boundary of Dickinson county;"

Bill No. 34, "An act to establish the eastern boundary of Morris county;"

Bill No. 111, "An act to encourage the organization of fire companies."

Also, with an amendment herewith transmitted, bill No. 86, "An act to establish the western boundary of Davis county."

The Senate insists upon its amendments to bill No. 37, "An act to regulate the granting of pardons."

The Senate has concurred in House concurrent resolution No. 27, relating to the judgeship of the District Court of the United States for the District of Kansas.

JOHN T. MORTON,

*Secretary of Senate.*

House concurred in Senate amendment to bill No. 86.

Mr. Irwin, from Committee on Corporations other than Banks, made the following report:

MR. SPEAKER—Your Committee on Corporations other than Banks, to whom was referred bill No. 254, "An act supplemental to an act to incorporate the city of Paola, approved Feb. 27th, 1860," have had the same under consideration, and recommend its passage.

GEO. E. IRWIN,

*Chairman.*

On motion of Mr. Glick,

A committee of conference was appointed on part of the House, on bill No. 37.

Speaker appointed Messrs. Glick, Laing and Emery as said committee.

WHEREAS, the nomination of Hon. M. W. Delahay to the position of Judge of the District Court of the United States for the district of Kansas is now before the Senate of the United States;

And whereas, the Legislature is of the opinion that Judge Delahay possesses neither the legal experience, learning nor ability so necessary in the incumbent of a position so important and responsible, which opinion is almost universal in this State; therefore,

*Resolved by the House of Representatives of the State of Kansas, (the Senate concurring therein,)* That the Honorable Senate of the United States is hereby respectfully and earnestly requested to refuse to confirm the nomination of Judge Delahay.

2d. That our Senators in Congress are hereby instructed to oppose and vote against the confirmation of Judge Delahay.

3d. That these preambles and resolutions be signed by the presiding officers of the two Houses, the Secretary of the Senate and

Chief Clerk of the House, and that the Secretary of the Senate is directed to transmit a copy thereof, certified by him, to the Senators in Congress from this State, and to the Vice President of the United States, and that the Vice President be requested to present the same to the Senate of the United States.

The following communication was received from the Senate:

MR. SPEAKER—I am directed to inform the House of Representatives that the Senate has adopted Senate concurrent resolution No. 16, requesting the Postmaster General to require the contractors upon the mail route from Atchison to Pardee, and Grasshopper Falls and Topeka, to carry the same in accordance with the terms of their contract. In which the concurrence of the House of Representatives is respectfully requested.

The Senate has failed to concur in House concurrent resolution No. 21, having reference to the removal of Col. Ritchie.

The Senate has also concurred in House concurrent resolution No. 24, recommending that a mail route from Topeka to Fort Scott be established, with one amendment, in which the concurrence of the House is respectfully requested.

JOHN T. MORTON,

*Secretary of Senate.*

Senate concurrent resolution No. 16, in relation to a mail route from Atchison to Topeka, was taken up and concurred in.

House concurred in Senate amendments to House concurrent resolution No. 24, recommending that a mail route from Topeka to Fort Scott be established.

WHEREAS, there is no direct mail communication from the capital of the State of Kansas with Fort Scott and the southeastern part of the State; therefore,

*Resolved by the House of Representatives, (the Senate concurring therein),* That the Postmaster General is respectfully but earnestly requested to establish a daily mail from Topeka via Centropolis, Ohio City, Berea, Mount Gilead and Mapleton to Fort Scott.

*Resolved,* That our Senators and Representatives in Congress are hereby earnestly requested to use their influence to have the above described route established.

*Resolved,* That the Secretary of State be directed to forward a

copy of these resolutions to the Postmaster General and to our Senators and Representatives in Congress.

Mr. Lacock introduced House concurrent resolution No. 30, in reference to a daily mail from Highland to Marysville, which was adopted.

Mr. Johnson introduced bill No. 255, entitled "An act to provide revenue for the year 1864."

Read the first time.

On motion of Mr. Johnson,

The rules were suspended, and

Bill No. 255 was read second time, and

Referred to Committee on Ways and Means.

Mr. Bottom introduced bill No. 256, entitled "An act to provide for the location of the State Asylum for the Blind.

Read first time.

Mr. Sternberg introduced bill No. 257, entitled "An act to provide for the formation of a battalion of State troops, and providing for the payment of the same."

Read first time.

On motion, the rules were suspended, and

Bill No. 257 was read the second time, and referred.

Mr. Cobb, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER—The Committee on Engrossed Bills have examined bill No. 169, "An act in relation to roads," and believe the same correctly engrossed.

DAVID R. COBB,

*Chairman.*

House bill No. 249, "An act to provide revenue for the year 1864," was read the second time, and

Referred to Committee on Ways and Means,

House bill No. 250, "An act to change the name of the town of Kickapoo," was read the second time, and

Referred to Committee on Corporations.

House bill No. 251, "An act providing for the appointment of Public Administrator," was read second time, and

Referred to Committee on Judiciary.

House bill No. 189, "An act in relation to roads," was read the third time.

The question being, shall the bill pass? and the ayes and noes being called, resulted as follows:

Ayes, 45; noes 20.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (21st), Batsell, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cummings, Donaldson, Drenning, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Fullington, Glick, Hawks, Hersey, Hollinberg, Houts, Johnson (1st), Johnston (70th), Jones, Kenner, Lingo, McBride, McCulloch, Orem, Reynolds, Rogers (54th), Saqui, Snook, Sternberg, Stephens, Thoman, Throckmorton, Trower, Twombly, Wakefield, Williams (9th), Wood.

Gentlemen voting no were—

Messrs. Alford, Barnes (8th), Belding, Bradley, Brumbaugh, Cobb, Draper, Frost, Grover, Hidden, Irwin, Lacock, Laing, Miller, Rogers (60th), Smith, Stone, Taylor, Walker, Williams (18th).

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Mr. Cobb, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER—The Committee on Engrossed Bills have examined bill No. 2, "An act making an appropriation for educating the deaf and dumb children of the State of Kansas for the year 1864," and bill No. 142, "An act to change the location of the State penitentiary," and find the same correctly engrossed.

DAVID R. COBB,

*Chairman.*

House bill 2, "An act making appropriation for educating the deaf and dumb children of the State of Kansas, for the year 1864," was read third time.

The question being, Shall the bill pass? and the ayes and noes being called, resulted as follows:

Ayes, 58.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bradley, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cummings, Donaldson, Draper, Drenning, Ellis, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Irwin, Johnston (70th), Kenner, Lacock, Laing, Miller, McBride, McCulloch, Orem, Reynolds, Rogers (54th), Rogers (60th), Smith, Snook, Sternberg, Stephens, Stone, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Mr. Wood moved that the report of the Committee of the Whole on bill No. 42 be agreed to,

Which motion was lost.

On motion of Mr. Glick,

The report of the Committee of the Whole on bill No. 142 be agreed to, and the bill be considered engrossed, and put upon its final passage,

Which motion prevailed.

Bill 142, "An act to change the location of the State Penitentiary," was read third time.

The question being, Shall the bill pass? the ayes and noes being called, resulted as follows:

Ayes, 63.

Gentlemen voting in the affirmative were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Camp, Campbell, Cavender, Chestnut, Craig, Cummings, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Irwin, Johnson (1st), Johnston (70th), Kenner, Laing, Lingo, McBride, McCulloch, Orem, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stone, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed, and

The title was agreed to as amended.

Mr. Wood offered the following resolution, which was adopted:

*Resolved*, That the Committee on Elections be instructed to inquire what other legislation is necessary to enable the people of Kansas to vote for electors for President and Vice President, and that they report by bill or otherwise.

The House resolved itself into Committee of the Whole, for the consideration of unfinished business, on bill No. 172.

After some time spent therein, the committee arose, and, through their chairman, reported progress, and asked leave to sit again.

Mr. Forman, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER—The Committee on Enrolled bills ask leave to report that they have examined the following bills, and found them correctly enrolled, to wit:

Bill 114, "An act to establish the eastern boundary of Dickinson county,"

Bill No. 34, "An act to establish the eastern boundary of Morris county,"

Bill No. 120, an act entitled "An act supplemental to an act entitled 'An act to establish a code of criminal procedure,'"

And that said bills were in the hands of the Governor on Tuesday, Feb. 10, 1864.

JOHN W. FORMAN,

*Chairman.*

MR. SPEAKER—The Committee on Enrolled Bills ask leave to report that the following bills were placed in the hands of the Governor for his consideration, on Saturday, February 13, 1864, to wit:

No. 108, "An act relating to the endowment fund of the State University."

No. 84, "An act to change the terms of the District Court in the third judicial district."

JOHN W. FORMAN,

*Chairman.*

On motion, the House adjourned.



## AFTERNOON SESSION.

2 O'CLOCK, P. M.

House called to order.

Speaker in the chair.

Quorum present.

The House resolved itself into Committee of the Whole, on unfinished business, Mr. Hawks in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back bill No. 172, and recommended its passage as amended.

Also, bill No. 55, and recommended the enacting clause be stricken out.

Also, bill No. 127, and recommended its passage.

Mr. Wood moved that the vote by which the enacting clause of bill No. 55 was stricken out, be reconsidered.

Mr. Glick moved that the motion lay on the table.

Upon which the ayes and noes being called, resulted as follows:

Ayes, 27; noes, 39.

So the motion to lay on the table did not prevail.

Gentlemen voting aye were—

Messrs. Barnes (8th), Barnes (21st), Batsell, Buck, Cavender, Cummings, Emery, Eskridge, Evans, Fleming, Frost, Fullington, Grover, Hawks, Hollinberg, Houts, Lingo, Miller, Stephens, Stone, Taylor, Thoman, Trower, Walker, Williams (18th).

Gentlemen voting no were—

Messrs. Alford, Ayers, Belding, Bottom, Bradley, Camp, Campbell, Chestnut, Donaldson, Drenning, Ellis, Fox, Freeland, Glick, Hersey, Hidden, Irwin, Johnston (70th), Jones, Kenner, Lacock, Laing, McBride, McCulloch, Orem, Pile, Reynolds, Rogers (54th), Rogers (60th), Saunders, Smith, Snook, Throckmorton, Twombly, Wakefield, Williams (9th), Wood.

The vote recurring upon the motion of Mr. Wood to reconsider,

A vote was taken, and

The motion to reconsider prevailed, and

The report of the committee was agreed to, and Bills Nos. 172, 55 and 127 were ordered to be engrossed for third reading.

The following communication was received from the Governor:

STATE OF KANSAS, EXECUTIVE OFFICE, }  
TOPEKA, February 16, 1864. }

*To the House of Representatives:*

I have approved bill 108, "An act relating to the endowment fund of the State University."

Also, Senate joint resolution No. 1, to amend section three, of article five, of the constitution of the State of Kansas.

Also, bill No. 19, "An act to organize the State Normal School."

Also, bill No. 34, "An act to establish the eastern boundary line of Morris county."

Also, bill No. 105, "An act to appropriate certain moneys in Morris county."

Also, bill No. 104, "An act to establish the eastern boundary of Dickinson county."

Also, bill No. 84, "An act to change the term of the District Court in the third judicial district."

Also, bill No. 120, "An act supplemental to an act entitled 'An act to establish a code of criminal procedure.'"

THOS. CARNEY.

Mr. Reynolds presented the claim of E. D. Pettengill, for services in organizing State militia.

Referred to Committee on Claims.

J. D. Gilchrist was appointed Assistant Enrolling Clerk, who took the oath of office prescribed by law.

The House resolved itself into Committee of the Whole on general orders, Mr. Irwin in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back bill No. 68, and asked leave to sit again.

On motion, the House adjourned.

## MORNING SESSION.

WEDNESDAY, FEB. 19, 1864, 10 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Barnes (8th), Barnes (21st), Buck, Campbell, Freeland, Cummings, Frost, Grover, Johnson (1st) and Miller.

Journal of Tuesday read and approved.

Mr. Glick, from special committee to whom was referred letter of Capt. S. Clarke, made the following report:

MR. SPEAKER—Your committee, to whom was referred concurrent resolution No. 2, have had the same under consideration, and beg leave to submit the following report.

The preamble on which these resolutions are predicated recites but two allegations, to which your committee have directed their attention—the first referring to the letter of Capt. Sidney Clarke to the Provost Marshal General Fry, of date of Dec. 2nd, 1863, in which he uses the following language, in speaking of Gov. Carney's, of date of Nov. 27, 1863, to P. M. Gen. Fry:

“This report is made thus minute, in order to correct official deception and misstatements in Gov. Carney's letter.”

The following is a copy of the letter referred to by Capt. Clarke:

STATE OF KANSAS, EXECUTIVE DEPARTMENT, }  
TOPEKA, Nov. 27th, 1863. }

Sir: Capt. Sidney Clarke, A. A. Provost Marshal General, furnished me with a copy of your letter to him, dated “War Department, Provost Marshal General's Office, Washington, D. C., 1863.” That letter directs him to co-operate fully with the Governor of the State in reference to filling the quota called for by the President's proclamation, Oct. 19th, 1863.

I have the honor to request that no attempt [may be made] for the present by the Provost Marshals of this State at recruiting for old or new organizations, for these reasons: I have just completed

the 15th regiment, and it is in the field; the 16th is now over half full, and in a few days will be filled. Besides, I have raised companies for the 2nd, 9th and 14th, putting them at their minimum strength. I am also engaged in recruiting for the 9th and 11th. I have been engaged earnestly in this work, knowing the wants of the Government—its necessities, as well as wants—and if permitted to go on, I shall be able to furnish troops sufficient to meet the quota called for by the President in his proclamation, by the first of January next, without reference to the excess that the State has heretofore furnished. I have also to request that the 1st volunteer regiment (infantry) shall be ordered home to recruit. This regiment bore the brunt of the first severe battle in the West—that fought at Wilson's Creek, under the brave and lamented Lyon. It has been in the field ever since, doing good work for the cause and the country, until its ranks are sadly thinned. A full regiment at first, it numbers now less than three hundred.

I am, very respectfully,

Your obedient servant,

THOMAS CARNEY.

Col. James B. Fry, Provost Marshal General,  
Washington, D. C.

The following is a copy of Capt. Sidney Clarke's letter to Provost Marshal General:

HEADQUARTERS ASS'T PROVOST MARSHAL GENERAL,  
(FOR KANSAS, NEBRASKA, COLORADO & DAKOTA,) }  
LEAVENWORTH CITY, Dec. 2, 1863.

COL. JAMES B. FRY, Provost Marshal General,

Washington, D. C.

Sir: I have the honor to report that, in compliance with instructions contained in your letter of Nov. 10th, 1863, I have conferred with His Excellency Thomas Carney, Governor of Kansas, on the subject of the recruiting service in the State. I presented to the Governor a copy of your letter, and assured him that it was the desire of this bureau to co-operate fully with the State authorities in filling the quota of the State, and invited any suggestions on the subject he might deem it proper to make.

Under date of Nov. 27th, 1863, Gov. Carney writes you, in reply.

to your letter of Nov. 10th, a copy of his reply being furnished for my information. He asks "that no attempt, for the present, be made by the Provost Marshal of this State at recruiting for old or new organizations."

In support of this request, he assigns the following reasons: that he has "just completed the 15th regiment;" 2nd, that "the 16th is now over half full, and in a few days will be filled;" 3rd, that he has "raised companies for the 2nd, 6th and 9th, putting them at their minimum strength."

The request of Gov. Carney that no attempt, for the present, be made by the Provost Marshal of this State at recruiting for old or new organizations should, in my judgment, insure the granting of his request, providing the statements upon which his reasons are based are correct. This, however, is not the case, as will be seen by the facts.

I deem it my duty to plainly state, in the same order I have indicated in the narrative of the aforesaid reasons of the Governor—

1. It is true that the organization of the 15th Kansas cavalry has been completed, and is at least up to the minimum strength. This regiment was raised by Col. C. R. Jennison, on authority received by Governor Carney. Many of the men were drawn from the State of Missouri, and enlisted by recruiting officers stationed at points along the river and eastern border of the State of Kansas. The whole was controlled by Col. Jennison, who received the commissions for officers from the Governor, signed in blank, and filled the names of such persons as he saw fit. The regiment was raised very rapidly, and practically outside of the efforts or supervision of the Governor of Kansas.

2. Governor Carney stated to me, and also stated in his letter of Nov. 27, that the 16th regiment is now over half full. After my interview with the Governor, I called on Lieut. J. R. Kemble, mustering and disbursing officer at Fort Leavenworth, and was informed by him that he had mustered but one company into the 16th regiment. He was very emphatic in saying that the Governor's statement had no foundation in fact. I have this on authority of Lieut. Kemble, and have deemed it proper to present it in this report, as bearing on the general status of the recruiting service in the State of Kansas.

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3. Lieut. Kemble's statement of the number of men mustered into the 16th regiment, and about which there can be no question, banishes the statement of the Governor, and shakes my confidence in the patriotism of his purposes and the general correctness of his representations.

For the second reason assigned, therefore, it having no foundation in fact, recruiting under the plan recently adopted by the bureau for old organizations should not be suspended. On this point I will say that many of the Kansas regiments in the field are mere skeletons; that the filling up of these regiments would greatly increase the efficiency of the service, and that no more new organizations are needed at present.

The statement of the Governor that he has raised companies for the Fourteenth Kansas volunteers, is not correct, as I am informed by officers connected with recruiting said regiment. The 14th was raised by Maj. Gen. James G. Blunt, by special authority received from you. Governor Carney has had nothing to do in raising it. His recruiting for the 2nd, 6th and 9th regiments is without my knowledge.

This report is made thus minute in order to correct official deception and misstatements in Governor Carney's letter of November 27th.

I am of the opinion that the recruiting service should hereafter be conducted, as far as practicable, in accordance with the plan recently adopted by this Bureau, existing abuses corrected, and with a view of filling up old organizations. I will add that I have been particularly careful at all times to co-operate fully with Gov. Carney in matters relating to the efficiency of the service, as well as in all official business.

I am, Colonel, very respectfully, your ob't serv't,

SIDNEY CLARKE,

*Captain and Acting Assistant Provost Marshal General.*

That part of the letter which states the number of men raised by the Governor for the United States military service, is the part in which he is charged with being "guilty of official deception and misstatements," is, in other words, "the governor is charged with uttering falsehoods in his official transactions." Your committee

have made a full investigation of the records in the office of the Adjutant General, and these records of our State prove the statements of Governor Carney to be fully sustained, and more than sustained. At the date of Governor Carney's letter, November 27th, he had raised for the old Kansas regiments the following named companies for the new regiments, designated to wit:

For the 2d regiment Kansas volunteers, two companies, B and L. Company B of this regiment was recruited to take the place of the original company B, detached as Hawkins's battery, by order of the War Department. For the 5th regiment, two companies, d and M. For the 6th, two companies, L and M. For the 9th two companies, L and M. For the 14th, one company, B. This company was recruited for the 6th regiment, and afterwards transferred to the 14th, its place in the 6th regiment being supplied by the recruitment of another company.

It will be seen that the Governor raised two companies for the 5th regiment, for which he claimed no credit in his letter of the 27th, 1863. The 15th regiment was in the field at the date of the Governor's letter. At that date the 16th was being rapidly refilled, but by the terms of the order authorizing Gov. Carney to raise the 16th regiment, he was prohibited from commissioning the officers, and the mustering in of the men raised was prohibited till each company had eighty-four men. This order had the effect of delaying the complete organization of this regiment. Different recruiting officers raising companies, who were desirous of procuring commissions for themselves, would not consolidate fragments of companies for fear of losing the advantages they would have in case they raised a full company. Had the order authorizing the raising of the 16th regiment not postponed the mustering in of a company till the company was filled, the 16th would have been more than half full of mustered-in men on the 27th of November, 1863. The fragmentary companies in process of being raised, would now raise the 16th regiment to about 1,000 men.

Captain Sidney Clarke has submitted some evidence to the committee on this subject, which shows that on the 27th of November but 336 men had been mustered in. This number makes but four full companies, and while there was nearly as many more men who

had been recruited, yet as they did not belong to full companies by the order before referred to, they could not be mustered in. Hence, evidence submitted has no effect other than to sustain the statements of the Governor by showing that, from the 7th of November, the date of the order to raise the regiment, that the Governor had raised four full companies in so short a time, and the records of the Adjutant General's office shows that several fragmentary companies were in process of being raised. Yet, while the records of the mustering-in officers at Fort Leavenworth shows only the number of men actually mustered in, and shows nothing as to the number of ~~more~~ companies not mustered in, the records in the Adjutant General's office do show the number of men recruited and not yet mustered in.

Your committee, therefore, have to report that, in this charge of official deception and misstatements, that Captain S. Clarke committed a flagrant wrong against the Governor of the State of Kansas, and through him against the people of the State.

The character of a State depends in a great measure on the character given it by its officers in their official transactions, and if their character for truth or honesty is questioned, it has the effect to disgrace and degrade the State in the estimation of those whose friendship is important, and especially in times like the present, when the Governor is required to act in emergencies for the defense and protection of the State. If his official character or statements are doubted, it of course destroys his efficiency and influence with the different departments of the Government at Washington, and the people of the State are the sufferers. It should, therefore, be the duty of all officers of the State to do their utmost to elevate the moral character of the State by carrying into their official transactions honesty and integrity. Your committee are fully satisfied that Governor Carney has, in an eminent degree, carried into all his official transactions, an honesty of purpose and a faithfulness to duty, calculated to give character and dignity to our State.

The second allegation, in which it is alleged that Capt. Clarke covertly charges the Governor of this State with disloyalty, is a matter that your committee do not deem it necessary to investigate. An investigation or a report on this subject can only add dignity to



- a charge that even the bitterest calumniators of the Governor would blush to make in presence of the loyal people of this State. It would be doing injustice to the loyal and patriotic citizens of our State to dignify such a groundless insinuation with an investigation.

Your committee, through its chairman, notified Capt. Clarke and Hon. S. N. Wood, the author of the preamble and resolutions, that they would hear them on any subject connected with the resolutions.

Your committee recommend the passage of the preamble and resolutions.

G. W. GLICK, *Chairman*.

HENRY FOX.

JAMES KENNER.

MR. SPEAKER—I have not as fully investigated the facts reported upon as have a majority of the committee to whom was referred concurrent resolutions No. 2, and yet I have so far considered them as to be satisfied of their truth, and therefore recommend the passage or adoption of the preamble and resolutions.

WM. R. SAUNDERS.

House concurrent resolution No. 2, relating to Captain Sidney Clarke, was taken up.

The ayes and noes being called, resulted as follows:

Ayes, 54.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Bottom, Bradley, Buck, Camp, Campbell, Chestnut, Craig, Cobb, Cummings, Donaldson, Ellis, Fleming, Forman, Fox, Freeland, Glick, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Kenner, Lacock, Laing, Miller, Moore, McBride, McCulloch, Orem, Reynolds, Rogers (54th), Rogers (60th), Saqui, Smith, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Trower, Twombly, Walker, Williams (9th), Williams (18th).

Noes, 16.

Gentlemen voting no were—

Messrs. Johnston (70th), Jones, Brumbaugh, Cavender, Draper, Emery, Eskridge, Evans, Fullington, Grover, Hawks, Lingo, Sternberg, Throckmorton, Wakefield.

So the resolution passed.

Mr. Forman introduced bill No. 258, entitled "An act to provide

for holding an election for electors for President and Vice President of the United States, and to amend an act entitled 'An act to regulate elections, and prescribe the qualifications of voters, and prevent illegal voting.'"

Read the first time.

On motion of Mr. Forman,

The rules were suspended, and

Bill No. 258 was read the second time, and

Referred to Committee on Elections.

Mr. Johnson introduced bill No. 259, entitled "An act making appropriations for the current expenses of the year 1864."

Read the first time.

On motion of Mr. Johnson,

The rules were suspended, and

Bill 259 was read second time, and

Referred to Committee on Ways and Means,

Mr. Drenning introduced bill No. 260, entitled "An act to change the location of the Kansas State Agricultural College."

Read the first time.

On motion of Mr. Drenning,

The rules were suspended, and

Bill No. 260 was read second time, and

Referred to Committee on Public Instruction.

Mr. Camp introduced bill No. 261, entitled "An act to amend an act relating to counties and county officers."

Read first time.

On motion of Mr. Camp,

The rules were suspended, and

Bill No. 261 was read second time, and

Referred to Committee on Counties.

Mr. Glick, from Committee on County Seats and County Lines, made the following report:

MR. SPEAKER—Your committee, to whom was referred bill No. 244, entitled "An act fixing the boundaries of Osage and Morris counties," beg leave to report the same back, without recommendation.

G. W. GLICK,

*Chairman.*

Mr. Smith, from the Committee on Education, made the following report:

MR. SPEAKER—The Committee on Education have had under consideration bill No. 235, referred to us, and instruct me to report the same back, and recommend that it pass, with the following amendment: Insert, after "meeting," in 14th line, "may call a meeting;" and that it should not be printed.

JOHN N. SMITH,

*Chairman.*

Mr. Johnson, from Committee on Ways and Means, made the following report:

MR. SPEAKER—The Committee on Ways and Means, to whom was referred bill No. 249, "An act to provide revenue for the year 1864," have had the same under consideration, and instruct me to report the same back to the House and recommend that it do not pass, as this bill is similar to bill No. 255, and its provisions are the same.

J. P. JOHNSTON,

*Chairman.*

Also—

MR. SPEAKER—The Committee on Ways and Means, to whom was referred bill No. 253, have had the same under consideration and instruct me to report the bill back to the House with the recommendation that it pass without being printed.

J. P. JOHNSTON,

*Chairman.*

Also—

MR. SPEAKER—The Committee on Ways and Means, to whom was referred bill No. 255, "An act to provide revenue for the year 1864," have had the same under consideration and direct me to report the same back to the House with the recommendation that it pass and be printed.

J. P. JOHNSTON,

*Chairman.*

Mr. Moore, from Committee on Corporations other than Banks, made the following report:

MR. SPEAKER—The Committee on Corporations other than Banks, to whom was referred bill No. 238, entitled "An act to authorize Morris county to issue bonds to build a jail," have had the same

under consideration, and direct me to report it back to the House and recommend that it be printed, and further, recommend its passage.

GEO. A. MOORE,

*Chairman.*

Mr. Irwin, from Committee on Corporations, made the following report:

MR. SPEAKER—Your Committee on Corporations, to whom was referred bill No. 250, "An act entitled 'An act to change the name of the town of Kickapoo,'" have had the same under consideration and advise me to report that as they, (the citizens) of that city of Kansas, have repented in sackcloth and ashes, and are (as they have good reason to be), ashamed of their early history and actions, therefore we beseech that they be in future treated as though they were honest. We recommend its passage.

GEO. E. IRWIN,

*Chairman.*

Mr. Barnes, from Committee on Agriculture, made the following report:

Your Committee on Agriculture, to whom was referred sundry petitions, asking for a law in reference to herding stock, report them back to the House without recommendation, there being bills on the calendar now, that will secure the object petitioned for. In reference to the game law, we report back to the House without recommendation, a bill already having passed the House that will secure the object.

A. BARNES,

*Chairman.*

Mr. Forman, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER—The Committee on Enrolled Bills ask leave to report that they have examined House bill No. 111, entitled "An act to encourage the organization of fire companies," and have found the same correctly enrolled; and said bill was placed in the hands of the Governor on Tuesday, Feb: 11th, 1864.

FORMAN,

*Chairman.*

The following report was received from the Auditor of State, and ordered to be printed, (See Report.)

Mr. Camp offered the following resolution, which was adopted :

*Resolved*, That Col. S. P. Herrick, 7th Kansas volunteer cavalry, be invited to a seat within the bar.

Mr. Grover introduced the following resolution, which was laid over under the rules :

*Resolved*, That no more bills or joint resolutions be introduced into this House after the 20th day of this month.

The following communication was received from the Senate :

MR. SPEAKER—I am instructed to inform the House of Representatives that the Senate has concurred in House concurrent resolution No. 28, for cavalry arms and equipments.

The Senate has appointed Messrs. Foster and Lowe, on the part of the Senate; to act on the committee of conference on the disagreeing vote of the two Houses on Senate amendments to bill No. 37, "An act to regulate the granting of pardons."

JOHN T. MORTON,

*Secretary of Senate.*

Concurrent resolution of the Legislature of Kansas :

*Resolved by the House of Representatives of the State of Kansas, (the Senate concurring therein,)* That the Secretary of War of the United States be hereby respectfully requested to place at the disposal of the Governor of Kansas, for the use of the military of this State, two thousand stand of cavalry arms and equipments, and that the Secretary of State be instructed to forward a copy of this resolution to the Secretary of War, and to our Representatives in Congress.

Mr. Lacock offered the following resolution, which was adopted :

*Resolved*, That hereafter the members of this House shall be limited to one speech of five minutes on every question, both in the House and Committee of the Whole.

LACOCK.

On motion of Mr. Wood,

Bill No. 238, authorizing Morris county to issue bonds to build a jail, was ordered to a third reading.

Mr. Wood offered the following resolution, which was adopted :

*Resolved*, That the Secretary of State be requested to give to Dr. Ridgway, late clerk of the State Treasurer, the carpet which formerly was on [the floor of the] Secretary of State's [office] in 1861,

under the administration of the late Secretary of State, Dr. J. W. Robinson.

Bill No. 238, "An act authorizing Morris county to issue bonds to build a jail," was read third time.

The question being, Shall the bill now pass? and the ayes and noes being called, resulted as follows:

Ayes, 67.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes, Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Cobb, Cummings, Donaldson, Draper, Drenning, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Glick, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Irwin, Johnson (1st), Johnston (70th), Jones, Kenner, Lacock, Laing, Lingo, Miller, Moore, McBride, McCulloch, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Noes, 1.

Gentleman voting no was Mr. Barnes (8th).

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Mr. Cobb, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER—The Committee on Engrossed Bills have examined bill No. 127, "An act to authorize school district No. 16, in Allen county, school district No. —, in Paola, Miami county, school district No. 7, in Osage county, district No. 38, in Shawnee county, graded school district No. 1, Morris county, school district No. 14, Miami county, school district No. 1, in Coffey county, school districts No. 26, in Lyon county, school district No. 7, in Doniphan county, school districts Nos. 18 and 28, in Jefferson county, school district Nos. 11, 22 and 23, in Franklin county, school district No. 17, in Douglas county, school district No. 31, in Johnson county, school district No. 1, of Potawatomie county, school districts Nos. 2 and

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3, Greenwood county, school district No. 2, is ~~correctly~~ district No. 26, in Nemaha county, to issue ~~bonds~~ ~~correctly~~ correctly engrossed.

DAVID R. COBB,

House bill No. 256, "An act to provide for the ~~asylum~~ asylum for the blind," was read the second time, and

Referred to Committee on Public Institutions.

House bill No. —, "An act to authorize school ~~district~~ district in Allen county, to issue bonds," was read third time.

The question being, Shall the bill now pass? and the yeas and noes being called, resulted as follows:

Ayes, 46.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Battell, Bottom, Brumbaugh, Cavender, Chestnut, Craig, Cobb, Donaldson, Draper, Emery, Eskridge, Evans, Fox, Freeland, Frost, Fullington, Grover, Hidden, Hollinberg, Houts, Johnston (70th), Jones, Kenner, Laing, Lingo, Miller, Moore, McBride, McCulloch, Reynolds, Rogers (54th), Rogers (60th), Smith, Snook, Sternberg, Stephens, Stone, Throckmorton, Twambley, Wakefield, Walker, Williams (18th) Wood.

Noes, 12.

Gentlemen voting no were—

Messrs. Campbell, Drenning, Forman, Glick, Hawks, Johnson (1st), Lacock, Saqui, Stratton, Thomas, Trower, Williams (9th).

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed:

The title was agreed to as amended.

Mr. Cobb, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER—The Committee on Engrossed Bills have examined bill No. 55, an act to authorize the issuing of bonds to build school houses," and find the same correctly engrossed.

DAVID R. COBB,

Chairman.

Bill No. 55, "An act authorizing the issuing of bonds to build school houses," was read third time.

The question being, Shall the bill now pass? the ayes and noes being called, resulted as follows:

Ayes, 34.

Gentlemen voting aye were—

Messrs. Belding, Bottom, Brumbaugh, Buck, Camp, Cavender, Chestnut, Craig, Cobb, Donaldson, Draper, Eskridge, Fox, Free-land, Fullington, Grover, Hidden, Johnston (70th), Kenner, Laing, Lingo, Moore, Orem, Reynolds, Rogers, (60th), Saunders, Smith, Snook, Throckmorton, Trower, Twombly, Williams (9th), Wood.

Noes, 34.

Gentlemen voting no were—

Messrs. Barnes (8th), Barnes (21st), Batsell, Bradley, Campbell, Drenning, Emery, Evans, Fleming, Forman, Frost, Glick, Hawks, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Laock, Miller, McCulloch, Rogers (54th), Saqui, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Wakefield, Walker, Williams (18th), Mr. Speaker.

A constitutional majority not having voted in favor of the passage of the bill,

So the bill did not pass.

The House resolved itself into Committee of the Whole on general orders, Mr. Irwin in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back to the House bill No. 80, and recommended the passage of the substitute, as amended.

Report of Committee of the Whole was agreed to.

Bills reported favorably on were ordered engrossed for the third [reading.]

On motion, the House adjourned.



## AFTERNOON SESSION.

Two o'clock, P. M.

House called to order.

Speaker in the chair.

Quorum present.

Mr. Lacock, from special committee, made the following report:

MR. SPEAKER—Your committee, to whom was referred bills Nos. 26 and 93, would respectfully report the same back to the House, and recommend their passage without amendment.

LACOCK,

*Chairman.*

Mr. Cobb, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER—The Committee on Engrossed Bills have examined bill No. 172, "An act to establish certain State roads," and find the same correctly engrossed.

DAVID H. COBB,

*Chairman.*

The House resolved itself into Committee of the Whole for the consideration of special orders, Mr. Emery in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back to the House bill No. 188, and recommended the passage of the substitute;

Bill No. 65, and recommended that it be made the special order for next Tuesday, at 2 o'clock.

The report of the Committee of the Whole was agreed to.

Bills reported favorably upon were ordered engrossed for third reading.

The House resolved itself into Committee of the Whole for the consideration of general orders, Mr. Emery in the chair.

After some time spent therein the committee arose, and, through their chairman, reported back to the House [bill] 254, and recommended its passage;

Bill No. 232, and recommended that it take its place upon the calendar;

Bills 154 and 118, and recommended the enacting clauses be stricken out.

Bills Nos. 149 and 152, and recommend that they take their place upon the calendar;

Bill 157, and recommended its passage;

Bill 159, and recommended the enacting clause be stricken out;

Bill 170, and recommended its passage;

Bill 145, and recommended its passage;

Bill 165, and recommended its rejection;

Bill 174, be stricken from the calendar;

Senate joint resolution 9, and recommended its adoption;

Bill No. 138, and recommended that it be stricken from the calendar;

Bill 166, and recommended its passage;

Bill 178, and recommended its passage;

Bill 181, and recommended its passage;

Bill 183, and recommended its passage;

Bill 185, and recommended the passage of the substitute;

Bill 188, and recommended its passage;

Bill 198, be stricken from the calendar;

Bill 190, be stricken from the calendar;

Bill 184, and recommended the passage of the substitute;

Bill 202, and recommended its passage;

Bill 210, and recommended its passage;

Bill 194, and recommended the enacting clause be stricken out;

Bill 205, and recommended its passage;

Bill 206, and recommended its passage;

Bill 219, be stricken from the calendar;

Bill 156, and recommended its passage;

Bill 173, and recommended its passage as amended;

Bill 187, and recommended its passage as amended;

Bill 200, and recommended its passage;

Bill 201, and recommended its passage;

Bill 211, and recommended its passage;

Bill 227, and recommended its passage;

Bill 231, and recommended its passage;

House joint resolution No. 6, and recommended its adoption;

House joint resolution No. 7, and recommended its passage as amended;

Bill 215, and recommended its passage as amended;

Bill 223, and recommended its passage;

Bill 231, and recommended its passage;

Bill 239, and recommended its rejection;

Bill 245, and recommended its passage;

Bill 208, and recommended its passage;

Bill 212, and recommended its passage as amended.

Bill 214, and recommended the passage of substitute;

Bill 221, and recommended the enacting clause be stricken out;

Bill 234, and recommended the enacting clause be stricken out;

Bill 225, and recommended its passage as amended.

The report of the Committee of the Whole was agreed to, excepting bill 81.

On motion, bills recommended without amendment were considered enrolled for third reading.

Bills amended and reported favorably were ordered engrossed.

Mr. Glick moved to amend bill No. 81, by striking out the word "bridge."

Carried.

On motion, bill No. 81 was considered engrossed for a third reading.

The following communication was received from the Governor:

STATE OF KANSAS, EXECUTIVE OFFICE, }  
TOPEKA, February 17, 1864. }

*To the House of Representatives:*

I have approved bill No. 111, "An act to encourage the organization of fire companies."

Also, bill 86, "An act to establish the western boundary of the county of Davis."

Also, joint resolution No. 6, granting the right of way for a railroad from Fort Leavenworth to Fort Scott, and to obtain a grant of land for the same.

THOS. CARNEY.

The following communication was received from the Senate:

On motion, the House adjourned until to-morrow morning at 9 o'clock.

## MORNING SESSION.

THURSDAY, FEB. 18, 1864, 10 o'clock, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Barnes, Campbell, Draper, Drenning, Freeland Fullington and Ford.

Prayer by the Rev. Duffori.

Journal of Wednesday read and approved.

Mr. Buck presented the petition in relation to attaching a portion of Jefferson county to Douglas county.

Referred to Committee on County Seats and County Lines.

Mr. Moore, from Committee on Corporations made the following report:

MR. SPEAKER—The Committee on Corporations other than Banks to whom was referred bill 241, entitled "An act to authorize railroad companies of the States of Missouri and Kansas to construct bridges and maintain ferries across the Missouri river," have had the same under consideration, and report it back to the House and recommend that it be printed, and further, that it do pass.

GEO. A. MOORE,

*Chairman.*

MR. SPEAKER—The Committee on Corporations other than Banks, to whom was referred bill No. 243, entitled "An act to abolish certain streets and alleys, public grounds and town lots in the town of Hampden," have had the same under consideration, and direct me to report it back to the House and recommend its passage.

GEO. A. MOORE,

*Chairman.*

Mr. Brumbaugh, from Committee on Internal Improvements, made the following report:

MR. SPEAKER—Your Committee, who have had under consideration bill No. 248, "An act to encourage the construction of bridges," instruct me to report the same back and recommend its rejection.

J. D. BRUMBAUGH,

*Chairman.*

Mr. Rogers, from Committee on Public Institutions, made the following report:

MR. SPEAKER—Your Committee, to whom was referred House bill No. 256, "An act to provide for the location of the asylum for the blind," have had the same under consideration, and instruct me to report the same back to the House and recommend the same do pass.

D. ROGERS,

*Chairman.*

Mr. Brumbaugh, from the select committee, made the following report:

MR. SPEAKER—The joint committee, to whom was referred resolution to revise and report a bill relating to the fees of officers, report the following bill amending the act now in force, fixing the fees of officers, and your committee are of the opinion that additional legislation is necessary to reduce fees of certain officers.

J. I. BRUMBAUGH,

G. W. GLICK,

S. N. WOOD,

S. M. STRICKLER.

A. SPAULDING.

Mr. Brumbaugh, from the select committee, introduced bill No. 262, entitled "An act fixing the fees of the Clerk of the Supreme Court, District Attorney, county officers, Justices of the Peace, Constables, Appraisers and Notary Publics."

Read the first time.

On motion, the rules were suspended, and

Bill 262 was read second time, and

Referred to Committee of the Whole.

The following communication from the Senate was taken up:

MR. SPEAKER—I am instructed to inform the House of Representatives that the Senate has passed bill No. 180, "An act entitled an act to amend 'An act incorporating towns and villages,' approved February 1st, 1850."

Also, bill No. 247, "An act to amend an act to provide for the assessment and collection of taxes."

Also, bill No. 131, "An act to authorize Consuls to take acknowledgments of deeds and other instruments."

Also, bill No. 135, "An act concerning deeds made by town companies."

The Senate has also passed, with amendments herewith transmitted, the following bills:

Bill No. 150, "An act supplemental to an act entitled 'An act to incorporate cities of the State of Kansas,' approved March 4, 1864."

Bill No. 134, "An act to provide for the limitation of action in certain cases."

Bill No. 59, "An act to amend an act entitled 'An act prescribing the duties of the Reporter of the Supreme Court.'"

In which amendments the concurrence of the House is respectfully requested.

The Senate has adopted Senate concurrent resolution No. 18, asking the Post Office Department to establish a mail route from Rising Sun, *via* Osawkee, to Grasshopper Falls, in Jefferson county, and praying for a weekly mail service therein, in which the concurrence of the House is respectfully requested.

JOHN T. MORTON,

*Secretary.*

MR. SPEAKER—I am instructed to inform the House of Representatives that the Senate has rejected bill No. 151, "An act to authorize the organization of companies for local purposes."

Also, bill No. 132, "An act in relation to recording mortgages."

JOHN T. MORTON,

*Secretary of Senate.*

The House concurred in Senate amendments to bill No. 130.

The House proceeded to consider Senate amendments to Bill No. 134.

The ayes and noes being called, resulted as follows:

Ayes, 57.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes, (21st), Belding,

Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Caver, Chestnut, Craig, Cummings, Donaldson, Draper, Ellis, Emery, Evans, Fleming, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Kerner, Lacock, Laing, Lingo, Miller, Moore, McBride, McCulloch, Orem, Pickering, Rogers (54th), Rogers (60th), Saqui, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Thoman, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Wood.

Noes, none.

So the House concurred in Senate amendments to bill No. 134.

The House concurred in Senate amendments to bill No. 39.

Also, in Senate concurrent resolution No. 18, in reference to mail from Rising Sun to Grasshopper Falls, *via* Osawkee.

Senate concurrent resolution No. 29, in reference to adjournment, was taken up, amended and adopted.

The following resolution, offered on previous day, was taken up and adopted:

*Resolved*, That no more bills or joint resolutions be introduced into this House after the 20th day of this month.

O. J. Grover, by consent, made the following report:

MR. SPEAKER—The Committee on Elections, to whom was referred bill No. 238, "An act to provide for holding an election for electors for President and Vice President of the United States, and to amend an act entitled 'An act to regulate elections, and to prescribe the qualifications of voters, and to prevent illegal voting,' approved May 23, 1861," have had the same under consideration, and they instruct me to report back to the House, with the following amendment:

In section 6, strike out all after the word "act," in the 4th line, and insert the following: "And they shall certify said canvas to the Secretary of State, who shall thereupon make out and transmit a certificate of his election to each of the electors aforesaid; and, in case of a tie vote, said canvassers shall determine the same by lot."

With the above amendments, they recommend that it be made the special order for next Monday, at 2 o'clock, P. M.

O. J. GROVER,

*Chairman.*

House bill 172, "An act to establish certain State roads," (incorporating bills 7, 8, 16, 17, 18, 38, 39, 44, 46, 53, 56, 57, 58, 72, 75, 89, 103, 109, 121, 143, 146 and 147,) was read third time.

The question being, shall the bill pass? and the ayes and noes being called, resulted as follows:

Ayes, 58.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Bottom, Bradley, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Donaldson, Draper, Ellis, Emery, Eskridge, Evans, Fleming, Fox, Freeland, Fullington, Hollinberg, Houts, Hutchins, Irwin, Johnston (70th,) Kenner, Lacock, Laing, Miller, Moore, McBride, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Twombly, Walker, Williams (9th), Williams (18th), Wood.

Noes, 2.

Gentlemen voting no were—

Messrs. Frost and Grover.

A constitutional majority having voted in favor of the passage of the bill,

And so the bill passed, and:

The title was agreed to.

House bill 153, "An act to provide for Commissioners of Immigration," was read third time.

The question being, Shall the bill pass?

The ayes and noes being called, resulted as follows:

Ayes, 38.

Gentlemen voting aye were—

Messrs. Barnes (8th), Barnes (21st), Belding, Bottom, Buck, Campbell, Chestnut, Cobb, Cummings, Ellis, Eskridge, Fox, Freeland, Glick, Grover, Hidden, Hollinberg, Hutchins, Irwin, Johnston (70th), Kenner, Moore, McBride, Reynolds, Rogers (60th), Saqui, Snook, Sternberg, Stratton, Taylor, Thoman, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Wood.

Noes, 22.

Gentlemen voting no were—

Messrs. Alford, Ayers, Batsell, Bradley, Camp, Cavender, Donald-



son, Evans, Fleming, Frost, Fullington, Houts, Johnson (1st), La-  
cock, Miller, McCulloch, Orem, Pickering, Stephens, Stone, Williams  
(18th).

A constitutional majority having voted in favor of the passage of  
the bill,

So the bill passed, and

The title was agreed to.

Mr. Cobb, from Committee on Engrossed Bills, made the follow-  
ing report:

MR. SPEAKER—The Committee on Engrossed Bills have exam-  
ined bill No. 181, "An act to amend an act entitled 'An act to  
amend an act entitled 'An act to amend and consolidate the several  
acts relating to the city of Lawrence,' approved June 4th, 1861,'" bill  
No. 206, "An act to encourage the construction of bridges over  
the Kansas river, within the county of Wyandotte," bill No. 153,  
"An act to establish a Bureau of Immigration, and appoint agents  
therefor," bill No. 115, "An act declaring the Kansas and Big Blue  
rivers not navigable, and authorizing the bridging of the same," bill  
No. 185, "An act relating to the government and corporate powers  
of the city of Topeka, Kansas," bill No. 237, "An act to amend an  
act entitled 'An act providing for the election of township officers,'  
approved May 23, 1861," bill No. 212, an act entitled "An act to  
authorize the counties of Potawatomie, Dickinson and Saline to issue  
bonds for the purpose of building bridges," and House joint resolu-  
tion No. 7, and find the same correctly engrossed.

DAVID R. COBB,

*Chairman.*

House bill 157, "An act detaching the counties of Butler, Irving  
and Otoe from the county of Lyon, and attaching the same to the  
county of Chase, for judicial purposes," was read third time.

The question being, Shall the bill pass? and the ayes and noes  
being called, resulted as follows:

Ayes, 46.

Gentlemen voting aye were—

Messrs. Ayers, Belding, Batsell, Bottom, Bradley, Camp, Cav-  
ender, Campbell, Chestnut, Craig, Cummings, Donaldson, Ellis,  
Emery, Eskridge, Evans, Fleming, Fox, Freeland, Frost, Fulling-

ton, Grover, Hersey, Hidden, Hollinberg, Houts, Hutchins, Johnson (1st), Johnston (70th), Kenner, Lacock, Laing, Miller, Moore, McBride, McCulloch, Orem, Reynolds, Rogers (60th), Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Noes, 4.

Gentlemen voting no were—

Messrs. Alford, Barnes (8th), Irwin, Rogers (54th), Smith.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House bill 137, "An act relating to county improvements," was read third time,

The question being, Shall the bill now pass?

The ayes and noes being called, resulted as follows:

Ayes, 59.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cummings, Donaldson, Ellis, Emery, Eskridge, Evans, Fleming, Fox, Freeland, Frost, Fullington, Grover, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnston (70th), Kenner, Lacock, Laing, Miller, Moore, McBride, McCulloch, Orem, Reynolds, Rogers (54th), Rogers (60th), Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Noes, 1.

Gentleman voting no was Mr. Bradley.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed, and

The title was agreed to.

House bill 145, "An act to convey a certain park or public grounds to a school district for school purposes," was read the third time,

The question being, Shall the bill now pass? and the ayes and noes being called, resulted as follows:

Ayes, 60.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Camp, Campbell, Cavender, Chestnut, Craig, Cummings, Donaldson, Ellis, Emery, Eskridge, Evans, Fleming, Fox, Freeland, Frost, Fullington, Glick, Grover, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th), Kenner, Lacock, Laing, Miller, Moore, McBride, McCulloch, Orem, Reynolds, Rogers (54th), Rogers (60th), Saqui, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Thoman, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed; and

The title was agreed to.

House joint resolution No. 9, to amend section —, of article 2, of the constitution of the State of Kansas," was read the third time.

The question being, Shall the bill pass? the ayes and noes being called, the vote resulted as follows:

Ayes, 54.

Gentlemen voting in the affirmative were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Brumbaugh, Buck, Camp, Campbell, Cavender, Craig, Cobb, Cummings, Donaldson, Ellis, Eskridge, Fleming, Fox, Freeland, Fullington, Glick, Grover, Hawks, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnston (70th), Kenner, Lacock, Laing, Miller, Moore, McCulloch, Orem, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Thoman, Throckmorton, Twombly, Wakefield, Williams (9th), Williams (18th).

Noes, 9.

Gentlemen voting in the negative were—

Messrs. Bradley, Emery, Evans, Frost, McBride, Stratton, Tayler, Walker, Wood.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House bill No. 166, "An act to vacate certain streets and alleys," was read the third time.

The question being, Shall the bill now pass? and the ayes and noes being called, resulted as follows:

Ayes, 65.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Cayender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Ellis, Emery, Eskridge, Evans, Fleming, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th), Jones, Kenner, Laing, Miller, McBride, McCulloch, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stone, Stratton, Taylor, Thoman, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Nays, none.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House bill No. 178, "An act to vacate certain streets and alleys in the town of Clinton," was read the third time.

The question being, Shall the bill pass? the ayes and noes being called, resulted as follows:

Ayes, 66.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cayender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Evans, Fleming, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th), Kenner, Laing, Miller, Moore, McBride, McCulloch, Orem, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Twombly, Wakefield, Williams (9th), Walker, Wood.

Noes, none.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed, and

The title was agreed to.

House bill No. 181, "An act restraining County Commissioners," was read third time.

The question being, Shall the bill now pass?

The ayes and noes being called, resulted as follows:

Ayes, 64.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cummings, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Evans, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th), Kenner, Laing, Moore, McBride, McCulloch, Orem, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Noes, 1.

Gentleman voting no was Mr. Forman.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House bill No. 183, "An act to amend an act entitled 'An act to regulate the entries and disposal of town sites,'" was read the third time.

The question being, Shall the bill now pass?

The ayes and noes being called, resulted as follows:

Ayes, 62.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (21st), Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cummings, Donaldson, Draper, Ellis, Emery, Eskridge, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks,

Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th), Kenner, Lacock, Laing, Miller, Moore, McBride, McCulloch, Orem, Pile, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Noes, 0.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Bill No. 155, "An act making the provisions of an act entitled 'An act to incorporate cities of the State of Kansas,' approved March 4, 1862, applicable to the city of Topeka," was read the third time.

The question being, Shall the bill now pass? the ayes and noes being called, resulted as follows:

Ayes, 62.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Draper, Ellis, Emery, Eskridge, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Kenner, Lacock, Laing, Miller, Moore, McBride, McCulloch, Orem, Pile, Reynolds, Rogers (60th), Saqui, Saunders, Smith, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Williams (18th).

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Bill 188, "An act to authorize the auditor of State to credit Doniphan county with tax," was read the third time.

The question being, Shall the bill now pass? the ayes and noes being called, resulted as follows:

Ayes, 61.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Draper, Drenning, Ellis, Emery, Eskridge, Fleming, Forman, Fox, Freeland, Frost, Glick, Grover, Hawks, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Kenner, Lacock, Laing, Miller, Moore, McBride, McCulloch, Orem, Pile, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Williams (18th).

Noes, none.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Bill No. 184, "An act relating to a proposed reform in spelling in the English language," was read third time.

The question being, Shall the bill now pass? the ayes and noes being called, resulted as follows:

Ayes, 42.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (21st), Bradley, Brumbaugh, Cavender, Chestnut, Craig, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Frost, Glick, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Johnson (1st), Kenner, Miller, Moore, Orem, Pile, Reynolds, Rogers (54th), Saqui, Saunders, Smith, Snook, Stephens, Stone, Thoman, Throckmorton, Williams, (9th), Williams (18th).

Noes, 19.

Gentlemen voting no were—

Messrs. Barnes (8th), Batsell, Bottom, Buck, Camp, Campbell, Donaldson, Draper, Drenning, Fox, Freeland, Lacock, McBride, McCulloch, Stratton, Taylor, Thoman, Twombly, Wakefield, Walker.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House bill 202, "An act in reference to the Quindaro and Salina State road," was read third time.

The question being, Shall the bill now pass? and the ayes and noes being called, resulted as follows:

Ayes, 58.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Campbell, Cavender, Chestnut, Craig, Cobb, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Glick, Grover, Hawks, Hersey, Hidden, Houts, Hutchins, Johnson (1st), Kenner, Lacock, Miller, Moore, McBride, McCulloch, Orem, Pile, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Wakefield, Walker, Williams (9th), Williams (18th).

Noes none.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Bill 210, "An act to encourage the destruction of wolves," was read third time.

The question being, Shall the bill now pass? the ayes and noes being called, resulted as follows:

Ayes, 48.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Cavender, Chestnut, Craig, Cobb, Donaldson, Drenning, Ellis, Eskridge, Evans, Fleming, Forman, Freeland, Frost, Hawks, Houts, Hutchins, Johnson (1st), Kenner, Lacock, Miller, Moore, McBride, McCulloch, Pile, Rogers (54th), Saqui, Saunders, Smith, Snook, Stephens, Stone, Stratton, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Williams (18th).

Noes, 9.

Gentlemen voting no were—



Messrs. Campbell, Draper, Emery, Fox, Grover, Hersey, Hidden, Orem, Reynolds, Taylor.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Bill 205, "An act to amend an act entitled 'An act to incorporate the Leavenworth, Lawrence and Fort Gibson Railroad,'" was read third time.

The question being, Shall the bill now pass? the ayes and noes being called, resulted as follows:

Ayes, 57.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (21st), Belding, Batsell, Brumbaugh, Buck, Camp, Campbell, Cavender, Craig, Cummings, Donaldson, Draper, Drenning, Ellis, Emery, Evans, Forman, Fox, Freeland, Frost, Fullington, Grover, Hersey, Hidden, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th), Lacock, Laing, Moore, McCulloch, Orem, Pickering, Pile, Reynolds, Rogers (54th), Rogers, (60th), Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Noes, 0.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House bill 206, "An act to encourage the building of a bridge at the city of Wyandotte," was read third time:

The question being, shall the bill pass? and the ayes and noes being called, resulted as follows:

Ayes, 65.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Donaldson, Draper, Drenning, Ellis, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington,

Glick, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th), Lacock, Laing, Miller, Moore, McBride, McCulloch, Orem, Pickering, Pile, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Williams (18th).

Noes, 0.

A constitutional majority having voted in favor of the passage of the bill,

And so the bill passed, and

The title was agreed to.

Bill 156, "An act to amend an act entitled 'An act relating to grist mills and millers,'" was read third time.

The question being, Shall the bill pass?

The ayes and noes being called, resulted as follows:

Ayes, 28.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (8th), Barnes (21st), Belding, Bottom, Bradley, Camp, Cavender, Draper, Drenning, Evans, Fox, Hidden, Houts, Hutchins, Lacock, Pile, Rogers (60th), Snook, Sternberg, Stephens, Stone, Throckmorton, Trower, Twombly, Wakefield, Williams (9th), Williams (18th).

Noes, 36.

Gentlemen voting no were—

Messrs. Alford, Batsell, Brumbaugh, Buck, Campbell, Chestnut, Craig, Cobb, Donaldson, Ellis, Fleming, Frost, Fullington, Glick, Grover, Hersey, Johnson (1st), Johnston (70th), Laing, Miller, McBride, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Saqui, Saunders, Smith, Stratton, Taylor, Walker.

A constitutional majority not having voted in favor of the passage of the bill,

So the bill did not pass.

House bill 173, "An act regulating compromises of partners and debtors," was read third time.

The question being, Shall the bill pass? and the ayes and noes being called, resulted as follows:

Ayes, 58.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bradley, Brumbaugh, Buck, Camp, Cavender, Craig, Cummings, Donaldson, Draper, Drenning, Ellis, Evans, Fleming, Fox, Fullington, Glick, Grover, Hersey, Hidden, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th), Lacock, Laing, Miller, Moore, McBride, McCulloch, Orem, Pile, Reynolds, Rogers (60th), Saqui, Saunders, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Noes, 2.

Gentlemen voting no were—

Messrs. Frost, Pickering.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Bill No. 187, "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the city of Lawrence,' approved June 4, 1861," was read third time.

The question being, Shall the bill now pass? the ayes and noes being called, resulted as follows:

Ayes, 58.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bradley, Brumbaugh, Camp, Cavender, Craig, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Fleming, Fox, Freeland, Frost, Fullington, Glick, Grover, Hersey, Hidden, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th), Lacock, Laing, Miller, Moore, McCulloch, Orem, Pickering, Pile, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Walker, Williams (9th), Williams (18th).

Noes, 0.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed, and

The title was agreed to.

Mr. Johnston, from Committee on Ways and Means, made the following report:

MR. SPEAKER—The Committee on Ways and Means, to whom was referred bill No. 259, "An act making appropriations for the current expenses for the year 1864," have examined the same, and report the same back to the House, and recommend that it be printed, and that it pass.

JOHN P. JOHNSON,

*Chairman.*

Mr. Reynolds, from Committee on Counties, made the following report:

MR. SPEAKER—Your Committee on Counties have had under consideration bill 261, "An act to amend an act relating to counties and county officers," and recommend that it pass.

C. REYNOLDS,

*Chairman.*

On motion, the House adjourned.

#### AFTERNOON SESSION.

2 O'CLOCK, P. M.

Speaker in the chair.

Quorum present.

Mr. Cobb, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER—The Committee on Engrossed Bills have examined bill No. 80, "An act to restrain dram shops and taverns, and regulate the sale of intoxicating liquors," and *think the same* correctly engrossed.

DAVID R. COBB,

*Chairman.*

Mr. Emery introduced joint resolution No. 8, in regard to a settlement of matters of difference between the State and R. S. Stevens and H. R. Dutton.

Read the first time.

On motion of Mr. Emery,

The rules were suspended, and

Joint resolution No. 8 was read the second time, and

Referred to Committee of the Whole.

Mr. Brumbaugh introduced bill No. 266, entitled "An act to establish the eastern boundary of Marshall county."

Read the first time.

H. J. Canniff was appointed Assistant Enrolling Clerk, and came forward and took the oath of office.

Mr. Ellis introduced bill No. 263, entitled "An act to provide for the publication of the laws of the present session."

Read the first time.

On motion of Mr. Ellis,

The rules were suspended, and

Bill No. 263 was read second time, and

Ordered to take its place on the calendar.

Mr. Bradley introduced bill No. 264, entitled "An act defining the western boundary line of Nemaha county."

Read first time.

On motion of Mr. Bradley,

The rules were suspended, and

Bill No. 264 was read second time, and

Referred to Committee on County Seats and County Lines.

Mr. Moore introduced bill No. 265, entitled "An act for the relief of John C. Douglass.

Read first time.

Substitute for bill 80 and others, "An act to restrain dram shops and taverns, and regulate the sale of intoxicating liquors," was read third time.

The question being, Shall the bill now pass?

The ayes and noes being called, resulted as follows:

Ayes, 57.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Batsell, Bottom, Bradley, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Drenning, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Hawks, Hidden, Houts, Irwin, Johnston (70th), Lacock, Laing, Lingo, Miller, Moore, McBride, McCulloch, Orem, Pile, Reynolds, Rogers (54th), Saunders, Smith, Snook, Stephens, Stone, Stratton, Thoman, Throckmorton, Trower, Twombly, Wakefield, Williams (9th), Williams (18th), Wood.

Noes, 9.

Gentlemen voting no were—

Messrs. Brumbaugh, Grover, Hersey, Hollinberg, Rogers (60th), Saqui, Sternberg, Taylor, Walker.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Bill No. 200, "An act in relation to aliens," was read a third time.

The question being, Shall the bill now pass?

The ayes and noes being called, resulted as follows:

Ayes, 63.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cummings, Drenning, Ellis, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hersey, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th), Lacock, Laing, Lingo, Moore, McBride, McCulloch, Orem, Pile, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th).

Noes, 0.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Bill 201, "An act to authorize the assessment of real estate in Douglas county, was read third time.

The question being, Shall the bill pass? the ayes and noes being called, resulted as follows:

Ayes, 66.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th) Barnes (21st) Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Caverder, Chestnut, Craig, Cummings, Donaldson, Drenning, Ellis, Eskridge, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th), Lacock, Laing, Lingo, Miller, Moore, McBride, McCulloch, Orem, Pile, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th).

Noes, 0.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Bill 211, "An act relating to those who observe the day commonly called Saturday as the Sabbath," was read third time.

The question being, Shall the bill now pass?

The ayes and noes being called, resulted as follows:

Ayes, 61.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Batsell, Bottom, Bradley, Brumbaugh, Buck, Campbell, Chestnut, Craig, Cobb, Cummings, Donaldson, Drenning, Ellis, Eskridge, Evans, Fleming, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Lacock, Laing, Lingo, Miller, Moore, McBride, McCulloch, Orem, Pile, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th).

Noes, 4.

Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th), Kenner, Lacock, Laing, Miller, Moore, McBride, McCulloch, Orem, Pile, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Noes, 0.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Bill No. 155, "An act making the provisions of an act entitled 'An act to incorporate cities of the State of Kansas,' approved March 4, 1862, applicable to the city of Topeka," was read the third time.

The question being, Shall the bill now pass? the ayes and noes being called, resulted as follows:

Ayes, 62.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Draper, Ellis, Emery, Eskridge, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hawks, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Kenner, Lacock, Laing, Miller, Moore, McBride, McCulloch, Orem, Pile, Reynolds, Rogers (60th), Saqui, Saunders, Smith, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Williams (18th).

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Bill 188, "An act to authorize the auditor of State to credit Doniphan county with tax," was read the third time.

The question being, Shall the bill now pass? the ayes and noes being called, resulted as follows:

Ayes, 61.



Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Draper, Drenning, Ellis, Emery, Eskridge, Fleming, Forman, Fox, Freeland, Frost, Glick, Grover, Hawks, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Kenner, Lacock, Laing, Miller, Moore, McBride, McCulloch, Orem, Pile, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Williams (18th).

Noes, none.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Bill No. 184, "An act relating to a proposed reform in spelling in the English language," was read third time.

The question being, Shall the bill now pass? the ayes and noes being called, resulted as follows:

Ayes, 42.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (21st), Bradley, Brumbaugh, Cavender, Chestnut, Craig, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Frost, Glick, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Johnson (1st), Kenner, Miller, Moore, Orem, Pile, Reynolds, Rogers (54th), Saqui, Saunders, Smith, Snook, Stephens, Stone, Thoman, Throckmorton, Williams, (9th), Williams (18th).

Noes, 19.

Gentlemen voting no were—

Messrs. Barnes (8th), Batsell, Bottom, Buck, Camp, Campbell, Donaldson, Draper, Drenning, Fox, Freeland, Lacock, McBride, McCulloch, Stratton, Taylor, Thoman, Twombly, Wakefield, Walker.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House bill 202, "An act in reference to the Quindaro and Salina State road," was read third time.

The question being, Shall the bill now pass? and the ayes and noes being called, resulted as follows:

Ayes, 58.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Campbell, Cavender, Chestnut, Craig, Cobb, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Glick, Grover, Hawks, Hersey, Hidden, Houts, Hutchins, Johnson (1st), Kenner, Lacock, Miller, Moore, McBride, McCulloch, Orem, Pile, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Wakefield, Walker, Williams (9th), Williams (18th).

Noes none.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Bill 210, "An act to encourage the destruction of wolves," was read third time.

The question being, Shall the bill now pass? the ayes and noes being called, resulted as follows:

Ayes, 48.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Cavender, Chestnut, Craig, Cobb, Donaldson, Drenning, Ellis, Eskridge, Evans, Fleming, Forman, Freeland, Frost, Hawks, Houts, Hutchins, Johnson (1st), Kenner, Lacock, Miller, Moore, McBride, McCulloch, Pile, Rogers (54th), Saqui, Saunders, Smith, Snook, Stephens, Stone, Stratton, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Williams (18th).

Noes, 9.

Gentlemen voting no were—

Messrs. Campbell, Draper, Emery, Fox, Grover, Hersey, Hidden, Orem, Reynolds, Taylor.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Bill 205, "An act to amend an act entitled 'An act to incorporate the Leavenworth, Lawrence and Fort Gibson Railroad,'" was read third time.

The question being, Shall the bill now pass? the ayes and noes being called, resulted as follows:

Ayes, 57.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (21st), Belding, Batsell, Brumbaugh, Buck, Camp, Campbell, Cavender, Craig, Cummings, Donaldson, Draper, Drenning, Ellis, Emery, Evans, Forman, Fox, Freeland, Frost, Fullington, Grover, Hersey, Hidden, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th), Lacock, Laing, Moore, McCulloch, Orem, Pickering, Pile, Reynolds, Rogers (54th), Rogers, (60th), Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Noes, 0.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House bill 206, "An act to encourage the building of a bridge at the city of Wyandotte," was read third time:

The question being, shall the bill pass? and the ayes and noes being called, resulted as follows:

Ayes, 65.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Donaldson, Draper, Drenning, Ellis, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington,

Glick, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th), Lacock, Laing, Miller, Moore, McBride, McCulloch, Orem, Pickering, Pile, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Williams (18th).

Noes, 0.

A constitutional majority having voted in favor of the passage of the bill,

And so the bill passed, and

The title was agreed to.

Bill 156, "An act to amend an act entitled 'An act relating to grist mills and millers,'" was read third time.

The question being, Shall the bill pass?

The ayes and noes being called, resulted as follows:

Ayes, 28.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (8th), Barnes (21st), Belding, Bottom, Bradley, Camp, Cavender, Draper, Drenning, Evans, Fox, Hidden, Houts, Hutchins, Lacock, Pile, Rogers (60th), Snook, Sternberg, Stephens, Stone, Throckmorton, Trower, Twombly, Wakefield, Williams (9th), Williams (18th).

Noes, 36.

Gentlemen voting no were—

Messrs. Alford, Batsell, Brumbaugh, Buck, Campbell, Chestnut, Craig, Cobb, Donaldson, Ellis, Fleming, Frost, Fullington, Glick, Grover, Hersey, Johnson (1st), Johnston (70th), Laing, Miller, McBride, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Saqui, Saunders, Smith, Stratton, Taylor, Walker.

A constitutional majority not having voted in favor of the passage of the bill,

So the bill did not pass.

House bill 173, "An act regulating compromises of partners and debtors," was read third time.

The question being, Shall the bill pass? and the ayes and noes being called, resulted as follows:

Ayes, 58.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bradley, Brumbaugh, Buck, Camp, Cavender, Craig, Cummings, Donaldson, Draper, Drenning, Ellis, Evans, Fleming, Fox, Fullington, Glick, Grover, Hersey, Hidden, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th), Lacock, Laing, Miller, Moore, McBride, McCulloch, Orem, Pile, Reynolds, Rogers (60th), Saqui, Saunders, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Noes, 2.

Gentlemen voting no were—

Messrs. Frost, Pickering.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Bill No. 187, "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the city of Lawrence,' approved June 4, 1861," was read third time.

The question being, Shall the bill now pass? the ayes and noes being called, resulted as follows:

Ayes, 58.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bradley, Brumbaugh, Camp, Cavender, Craig, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Fleming, Fox, Freeland, Frost, Fullington, Glick, Grover, Hersey, Hidden, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th), Lacock, Laing, Miller, Moore, McCulloch, Orem, Pickering, Pile, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Walker, Williams (9th), Williams (18th).

Noes, 0.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed, and

The title was agreed to.

Ayes, 47.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (21st), Belding, Bottom, Bradley, Brumbaugh, Camp, Campbell, Chestnut, Craig, Cobb, Cummings, Donaldson, Ellis, Emery, Eskridge, Forman, Fox, Frost, Fullington, Glick, Grover, Hawks, Hidden, Hollinberg, Houts, Johnson (1st), Lacock, Laing, Miller, Moore, McBride, Orem, Pickering, Reynolds, Rogers (54th), Smith, Snook, Taylor, Thoman, Throckmorton, Trower, Twombly, Williams (18th), Wood.

Noes, 3.

Gentlemen voting no were—

Messrs. McCulloch, Wakefield, Williams (9th).

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed:

The title was agreed to.

House bill 225, "An act exempting certain property from sale or execution," was read third time.

The question being, Shall the bill now pass? the ayes and noes being called, resulted as follows:

Ayes, 54.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Caver, Chestnut, Craig, Cummings, Drenning, Ellis, Eskridge, Evans, Forman, Fullington, Glick, Hawks, Hersey, Hidden, Hollinberg, Houts, Johnston (70th), Kenner, Lacock, Laing, Moore, McBride, McCulloch, Pickering, Pile, Reynolds, Rogers (54th), Rogers (60th), Saunders, Snook, Stephens, Stone, Taylor, Thoman, Throckmorton, Trower, Twombly, Walker, Williams (9th), Williams (18th).

Noes, 4.

Gentlemen voting no were—

Messrs. Draper, Orem, Smith, Wakefield.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House bill No. 254, "An act supplemental to 'An act to incorporate the city of Paola,' approved February 2, 1860," was read third time.

The question being, Shall the bill now pass? the ayes and noes being called, resulted as follows:

Ayes, 63.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cummings, Draper, Drenning, Ellis, Emery, Eskridge, Fleming, Forman, Fox, Freeland, Frost, Fullington, Glick, Hawks, Hersey, Hidden, Hollinberg, Houts, Johnson. (1st), Johnston (70th), Kerner, Lacock, Laing, Lingo, Miller, Moore, McBride, McCulloch, Pickering, Pile, Reynolds, Rogers (54th), Rogers (60th), Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th).

Noes, 1.

Gentleman voting no was Mr. Orem.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Mr. Forman, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER—The Committee on Enrolled Bills ask leave to report that they have examined bill No. 86, entitled "An act to establish the western boundary of Davis county," and finding the same correctly enrolled, placed the same in the hands of the Governor for his consideration, on Wednesday, February 17, 1864.

JOHN W. FORMAN,

*Chairman.*

Also, that they have examined the following bills, and found them correctly enrolled, to wit:

Bill 130, an act entitled "An act to amend an act incorporating towns and villages, approved February 1, 1864," bill 135, "An act concerning deeds made by town companies," bill No. 247, "An act

to amend an act supplemental to an act to provide for the assessment and collection of taxes."

JOHN W. FORMAN,

*Chairman.*

The House resolved itself into Committee of the Whole on general orders, Mr. Chestnut in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back bill No. 149, and recommended its passage.

Also, bill No. 230; also, 92, and recommended the enacting clause be stricken out."

Also, bill 229, and recommended the enacting clause be stricken out.

Also, bill 125, and recommended its rejection;

Also, joint resolution No. 8, and recommended its passage.

Also, bill 152, and recommended its passage.

Report of Committee of the Whole was agreed to.

Bills reported favorably on were ordered engrossed.

The following message was received from the Senate.

House adjourned until 9 o'clock, to-morrow morning.

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### MORNING SESSION.

FRIDAY, FEB. 19, 1864, 9 o'clock, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Ellis, Eskridge, Fleming, Frost and Wood.

Prayer by Rev. McVicker.



The reading of yesterday's journal was dispensed with.

Mr. Saunders, from Committee on Judiciary, made the following report:

MR. SPEAKER—The Judiciary Committee have had under consideration House bill 216, "An act concerning the estates of persons dying without heirs or will," and instruct me to report the same back to the House, with the accompanying substitute therefor, and recommend the passage of the substitute.

WILLIAM R. SAUNDERS,

*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 251, "An act providing for the appointment of a Public Administrator," and instruct me to report the same back to the House, and recommend its rejection.

WILLIAM R. SAUNDERS,

*Chairman.*

MR. SPEAKER—The Judiciary Committee have had under consideration House bill No. 218, "An act to amend an act providing for the selection and summoning of grand and petit jurors, approved February 11th, 1859," and instruct me to report the same back to the House, with the accompanying substitute therefor, and recommend the passage of the substitute.

WILLIAM R. SAUNDERS,

*Chairman.*

Mr. Buck, from Committee on County Seats and County Lines, made the following report:

MR. SPEAKER—Your committee, to whom was referred bill No. 264, entitled "An act defining the western boundary of Nemaha county," have had the same under consideration, and a majority of your committee beg leave to report the same back, and recommend its passage.

G. W. GLICK,

*Chairman.*

The following communication, received from the Senate, was taken up:

MR. SPEAKER—I am instructed to inform the House of Representatives that the Senate has passed (with amendments herewith transmitted), the following bills:

Bill No. 23, "An act to abolish certain streets and alleys."

Bill No. 100, "An act amending an act respecting executors and administrators."

Bill No. 94, "An act to provide for the sale of school lands."

The Senate have also concurred in House concurrent resolution No. 30, in reference to daily mail from Highland to Marysville."

I am also directed to inform the House of Representatives that the Senate has reconsidered the vote by which bill No. 131, "An act to authorize consuls to take acknowledgments of deeds and other instruments," passed that body, and that they have passed the said bill, with amendments herewith transmitted, in which the concurrence of the House is respectfully requested.

JOHN T. MORTON,

*Secretary of Senate.*

House concurrent resolution No. 30:

WHEREAS, the people of Doniphan, Brown, Nemaha and Marshall counties are laboring under great inconvenience, for the want of a daily mail on the route from Highland, in Doniphan county, by way of Hiawatha, Brown county, and Seneca, in Nemaha county, to Marysville, Marshall county; therefore, be it

*Resolved by the House of Representatives (the Senate concurring,)* That the Postmaster General of the United States be requested to increase the service on said route to a daily mail.

*Resolved,* That our Senators and Representatives in Congress be requested to use their efforts in carrying out the objects of this resolution.

*Resolved, further,* That the Secretary of State be instructed to forward a copy of the resolutions to each of our Senators and Representatives in Congress, and to the Postmaster General.

The House concurred in Senate amendments to bills Nos. 23, 100, 94, 30 and 131.

Mr. Glick moved to reconsider the vote by which bill No. 206 was passed.

Carried.

An act to encourage the building of a bridge at the city of Wyandotte,

The bill was, by consent, read the third time.

The question recurring upon the passage of the bill,

The ayes and noes being called, resulted as follows:

Ayes, 40; noes, 0.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Ellis, Eskridge, Evans, Fleming, Forman, Fox, Frost, Fullington, Glick, Grover, Hawks, Hersey, Hollinberg, Houts, Irwin, Johnson (1st), Johnston (70th), Lacock, Laing, Lingo, Miller, Moore, McBride, McCulloch, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stone, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Wood.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Mr. Brumbaugh, from Committee on Internal Improvements, made the following report, which was concurred in.

MR. SPEAKER—The Committee on Internal Improvements, to whom was referred Senate concurrent resolution No. 9, concerning the school lands of the State of Kansas, the majority of said committee instruct me to report the same back and recommend its passage.

J. D. BRUMBAUGH,

*Chairman.*

Mr. Wood introduced bill No. 267, entitled "An act to authorize the Auditor of State to issue duplicate Territorial warrants in certain cases."

Read the first time.

On motion of Mr. Wood,

The rules were suspended, and

Bill No. 267 was read the second time, and

Referred to Committee on Ways and Means.

Mr. Wood introduced bill No. 268, entitled "An act authorizing the several counties along the line of the Atchison, Topeka and Santa Fe railroad, and its branches, to subscribe to the capital stock of the Atchison, Topeka and Santa Fe railroad."

Read the first time.

On motion of Mr. Wood,

The rules were suspended, and:

Bill No. 268 was read the second time, and

Referred to a special committee, consisting of Messrs. Glick and Cummings.

Mr. Cobb introduced bill No. 269, entitled "An act directing the State Auditor to return certain county bonds."

Read the first time, and

Referred to Committee of the Whole.

Mr. Orem introduced bill No. 270, entitled "An act to provide for the funding of county debts."

Read first and second time, and

Referred to Committee on Ways and Means.

Mr. Emery introduced bill No. 271, entitled "An act supplemental to an act entitled, 'An act relating to the records and proceedings in Douglas county.'"

Read first time.

On motion of Mr. Emery,

The rules were suspended, and

Bill No. 271 was read the second time, and

Referred to Committee of the Whole.

House bill No. 149, "An act for the relief of Moulton G. Farnham," was read the third time.

The question being, Shall the bill now pass? the ayes and noes being called, resulted as follows:

Ayes, 65; noes, 2.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Chestnut, Craig, Cobb, Cummings, Donaldson, Drenning, Ellis, Emery, Eskridge, Evans, Forman, Fox, Freeland, Frost, Fullington, Glick, Grover, Hersey, Hollinberg, Houts, Hutchins, Irwin, Johnston (70th), Lacock, Laing, Lingo, Miller, Moore, McBride, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Taylor, Thoman, Throckmorton, Trower, Twambley, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Messrs. Cavender and Draper voted in the negative.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House bill 265, "An act for the relief of John C. Douglass," was read the second time, and

Referred to Committee of the Whole.

House bill 266, "An act to establish the eastern boundary line of Marshall county," was read the second time, and

Referred to Committee of the Whole.

House bill No. 250, "An act to authorize County Commissioners, under certain circumstances, to issue an order prohibiting stock from running at large in the night time," was read the third time.

The question being, Shall the bill now pass? and the ayes and noes being called, resulted as follows:

Ayes, 39; noes, 31.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Belding, Bottom, Brumbaugh, Camp, Campbell, Chestnut, Craig, Cobb, Donaldson, Drenning, Eskridge, Fox, Fullington, Hersey, Hidden, Hollinberg, Houts, Johnston (70th), Laing, Lingo, Miller, Moore, McBride, Orem, Pickering, Reynolds, Rogers (60th), Saunders, Smith, Snook, Stone, Stratton, Thoman, Throckmorton, Twombly, Williams (18th), Wood.

Gentlemen voting no were—

Messrs. Barnes (8th), Barnes (21st), Batsell, Bradley, Buck, Cavender, Draper, Ellis, Emery, Evans, Fleming, Freeland, Frost, Glick, Grover, Hawks, Hutchins, Irwin, Johnson (1st), Lacock, McCulloch, Rogers (54th), Saqui, Sternberg, Stephens, Taylor, Trower, Wakefield, Walker, Williams (9th).

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House joint resolution No. 8, in regard to a settlement of matters of difference between this State and R. S. Stephens and H. R. Dutton, was read the third time.

The question being, Shall the resolution now pass? the ayes and noes being called, resulted as follows:

Ayes, 64 ; nays, 4.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Dreanning, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Grover, Hawks, Hersey, Hidden, Hollinberg, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th), Lacock, Laing, Lingo, Miller, Moore, McBride, McCulloch, Orem, Pickering, Rogers (54th), Saqui, Smith, Snook, Sternberg, Stephens, Stone, Stratten, Taylor, Thoman, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Williams (18th).

Gentlemen voting no were—

Messrs. Rogers (54th), Saunders, Trower, Wood.

A constitutional majority having voted in favor of the passage of the resolution,

So the resolution passed.

The House resolved itself into Committee of the Whole, on special orders, Mr. Saqui in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back bill No. 197, substitute, and recommended its passage.

Also, bill No. 220, and recommended its passage.

Also, bill No. 204, and recommended the enacting clause be stricken out.

Also, bill No. 196, and recommended the enacting clause be stricken out.

Also, bill No. 244, and recommended the enacting clause be stricken out.

Report of Committee agreed to.

Bills reported favorably were ordered to be engrossed for third reading.

On motion, the House adjourned.

## AFTERNOON SESSION.

2 o'clock, P. M.

Speaker in the chair.

House called to order.

The House resolved itself into Committee of the Whole, for the consideration of general orders, Mr. Saqui in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back to the House bill No. 158, made a special order for Tuesday, at 2, P. M.

Also, bill No. 163, recommending its rejection;

Bill No. 51, and recommended its passage as amended;

Bill 258, and recommended its passage as amended;

Bill 162, with the enacting clause stricken out;

Bill 236, and recommended its passage as amended;

Bill No. 256, and recommended its passage;

Bill 191, and recommended its passage;

Bill 235, and recommended its passage as amended;

Bill 179, and recommended the enacting clause be stricken out;

Bill 217, and recommended its passage as amended;

House joint resolution No. 5, and recommended its passage;

Bill 98, and recommended the passage of the same as amended.

The report of the Committee of the Whole was agreed to.

Bills reported favorably ordered engrossed for a third reading.

The following communication was received from the Governor, which was referred to the Committee on Federal Relations, and five hundred copies ordered to be printed:

EXECUTIVE OFFICE,  
TOPEKA, February 19th, 1864. }

*Gentlemen of the Senate and House of Representatives:*

The subject of railroads is now engrossing the attention of many of our citizens. It is a subject that cannot be too carefully considered, as a well arranged system of roads will build up and enrich our entire State, contributing millions to our material wealth.

Congress has made a liberal grant of land for a railroad from Leavenworth, via Lawrence, to the Southern boundary of the State,

in the direction of Galveston bay. The road is to receive nearly two millions of acres of land. I would suggest that, as there are no available lands between Leavenworth and Lawrence, Congress be asked so to modify the law that the company building the road may unite with the Leavenworth, Pawnee and Western Railroad Company, and receive other lands to make up the deficiency, and that that portion of the road may be placed upon an equal footing, in all respects, with the remainder of the line. As this road will in time, if built, give us a southern outlet to Galveston bay or New Orleans, I would suggest whether, if application were made, Congress would not grant additional aid.

Congress has also granted over three million acres of land to aid in building a road from Atchison, *via* Topeka, to the western boundary of the State, in the direction of Santa Fe, New Mexico. This road, when built, will put us in direct railroad communication with the rich mineral regions of New Mexico and Arizona. If proper aid is granted by Congress, it is thought that this road may be eventually continued through New Mexico and Arizona, and unite us with the navigable waters of the Colorado.

I would urge such action on your part as will facilitate the early completion of these roads and branches, and that the same request be made in relation to the want of available lands along the eastern end of this last named road as was suggested in behalf of the road from Leavenworth southwestward.

Your body have asked for other grants of land quite as important to the future interests of the State, and I urge such further action on your part as may be best calculated to encourage and secure the construction of these other roads.

In the passage of the act to aid in building the Union Pacific Railroad, Kansas was not forgotten. Two branches of this road run through Kansas. The Kansas Valley branch is already in course of construction. In this road the people of the entire State have a deep and vital interest. Congress provided for locating this road on the most direct and practicable route from the mouth of the Kansas river to the one hundredth meridian of longitude, making it necessary only for the company building the road to secure the approval of the President of the United States as to the particular route adopted.



I think that I am not saying too much, when I say it was the distinct understanding by those who passed that act that our principal towns in the Kansas valley were to be points on said road; yet, unfortunately, the law gives the company power to impair the best interests of the State, by avoiding a portion or all of its towns or business centers. This, if possible, should be prevented.

Wyandotte is told that she can be made a point for one hundred thousand dollars. The road is already located three miles north of Lawrence, and the people there are told that the road will come to the bank of the river opposite that city, if they will give the company from fifty to one hundred thousand dollars; and this, too, after the citizens of that city have been robbed and plundered, a portion of them murdered, a million dollars' worth of property destroyed, and many of its best and wealthiest citizens reduced to poverty by the hand of the assassin.

Topeka, the capital of the State, is promised the road on similar conditions. The capital is a point of more than ordinary importance. Whatever adds to its growth and prosperity, is a matter of interest to all.

This subject is one in which the people of the Kansas Valley are not alone interested. Nature seems to have marked out this valley as the great public highway between the Atlantic and Pacific. Whatever tends to build up and improve its towns, benefits the whole State. A railroad north of the river, avoiding the principal towns, has a tendency to ruin individuals, and in reality to cripple the best interests of all. Wyandotte, Lawrence and Topeka are not alone interested, but the entire State.

It is the duty of the Legislature to protect and foster the material interests of the State at large. Whatever you can do to make the places named points on the road, should be done. One thing you can do—and I most respectfully urge your attention to the subject—memorialize Congress to so amend the Union Pacific railroad law as to make Wyandotte, Lawrence, Manhattan and Junction City points on said road. That Congress will so amend the law, if asked by the people of Kansas through their Legislature, I cannot permit myself to doubt.

THOS. CARNEY.

On motion, House adjourned until to-morrow morning at nine o'clock.

MORNING SESSION.

SATURDAY, FEB. 20, 1864, 9 o'clock, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Lacoek presented petition of Mr. M. C. Carroll and 66 others, of Brown county, remonstrating against the repeal of the hog law.

Referred to Committee on Agriculture.

Mr. Cobb, from Committee on Engrossed Bills, made the following report :

MR. SPEAKER—The Committee on Engrossed Bills have examined bill No. 197, "An act defining the boundaries of Butler county."

Bill No. 220, "An act to change the western boundary line of Osage county."

Bill No. 191, "An act supplemental to an act entitled 'An act to provide for the incorporation of fire, marine and life insurance companies,' approved March 2, 1863."

Bill No. 217, "An act to amend an act entitled 'An act for the regulation and support of common schools.'"

Bill No. 285, "An act to amend an act for the regulation and support of common schools."

Bill No. 258, "An act appropriating money to refund to the Governor expense incurred by him in protecting the State," and find the same correctly engrossed.

DAVID R. COBB,

*Chairman.*

Mr. Forman, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER—The Committee on Enrolled bills ask leave to report that they have examined the following bills, and found them correctly enrolled, to wit:

Bill No. 134, "An act to provide for the limitation of actions in certain cases therein described."

Bill No. 59, "An act to amend an act entitled 'An act prescribing the duties of the Reporter of the Supreme Court.'"

Bill No. 150, "An act supplemental to an act entitled 'An act to incorporate cities of the State of Kansas,' [approved] March 4, 1862, and authorizing the Board of Education to issue bonds to purchase school sites and erect buildings thereon," and said bills were placed in the hands of the Governor for his consideration, on Friday, February 19, 1864.

FORMAN,

*Chairman.*

Mr. Lacock, from Committee on Claims, made the following report:

MR. SPEAKER—Your Committee on Claims, to whom was referred bill No. 240, entitled "An act to provide for the adjustment and payment of audited Territorial claims," would respectfully report the same back to the House and recommend that it be printed and take its place on the calendar.

LACOCK,

*Chairman.*

Mr. Johnson, from Committee on Ways and Means, made the following report:

MR. SPEAKER—The Committee on Ways and Means, to whom was referred bill No. 270, "An act to provide for the funding of the indebtedness of Doniphan county," have had the same under consideration, and instruct me to report the same back to the House and recommend the passage of the bill without printing.

JNO. P. JOHNSON.

*Chairman.*

Also—

MR. SPEAKER—The Committee on Ways and Means, to whom was referred bill No. 265, "An act to authorize the Auditor of State to issue duplicate Territorial warrants in certain cases," have had

the same under consideration, and instruct me to report the same back to the House, without recommendation.

JNO. P. JOHNSON,

*Chairman.*

Mr. Wood offered the following resolution, which was adopted:

WHEREAS, John Speer, editor of the *Lawrence Tribune*, and State printer, has failed to furnish this House printed copies of the volume of public documents or the Governor's message—documents so important to correct legislation, and is now neglecting his public duties, and is spending his time in canvassing the State, denouncing this Legislature;

And whereas, the printing of the above mentioned documents at this late day in the session can be of no possible advantage to the State; therefore,

*Resolved*, That the Secretary of State be directed to suspend the publication of said documents, and that no appropriation be made therefor.

The following communication was received from the Senate:

MR. SPEAKER—I am instructed to inform the House of Representatives that the Senate has passed, with amendments herewith transmitted, the following bills:

Bill No. 126, "An act for the protection of bridges."

Bill No. 144, "An act for the protection of game."

The Senate has also adopted, with amendments, resolution No. 2, instructing the United States Senators and Representatives of the State of Kansas to demand the removal of Capt. Sidney Clarke; in all of which amendments the concurrence of the House is respectfully requested.

JOHN T. MORTON.

*Secretary of Senate.*

WHEREAS, in a leading article in one of the daily papers of this State, there has appeared an official letter, written by Capt. Sidney Clarke, A. A. P. M. G., to Col. James B. Fry, P. M. G., in which he uses the following language: "This report is made thus minute, in order to correct official deception in Governor Carney's letter;"

Whereas, by the records of the office of the Adjutant General of the State of Kansas, the statement of Capt. Sidney Clarke, in the letter to Col. Fry from which the above extract is made, is proven to be false;

Whereas, in the following language, used in his letter to Col. Fry: "— shakes my confidence in the patriotism of his purposes," Capt. Clarke covertly charges the Governor of this State with disloyalty; therefore, be it

*Resolved by the House of Representatives of the State of Kansas, (the Senate concurring,)* That we regard the letter of Capt. Sidney Clarke to Col. James B. Fry, impugning the honesty and loyalty of the Governor of Kansas, as an insult to the State.

*Resolved,* That we call the attention of the President of the United States and the Secretary of War, to this false, malicious and uncalled for attack of an officer in the army of the United States, upon the chief magistrate of this State, and demand of them the instant removal of Captain Sidney Clarke from the position he now occupies.

*Resolved,* That we instruct our Senators and request our Representative in Congress to use every exertion in their power to carry into effect these resolutions.

*Resolved,* That the Chief Clerk of the House of Representatives shall immediately forward a copy of these resolutions to the President of the United States, to the Secretary of War, to Col. James B. Fry, P. M. G., to each of our Senators and Representatives in Congress.

The House concurred in Senate amendments to bill No. 126, and in Senate amendments to House concurrent resolutions No. 2, in relation to the removal of Captain Sidney Clarke, and non-concurred in amendments to bill No. 144.

Mr. Johnson introduced the following resolution, which was adopted, and the chair appointed Messrs. Johnson, Houts and Camp.

*Resolved,* That a committee of three be appointed by this House to confer with the owners of these buildings, now occupied by the State, and ascertain the lowest figures that said buildings can be purchased, and report to this House on Monday next.

JNO. P. JOHNSON,

Mr. Laing introduced House joint resolution No. 9, concerning certain bonds of the State of Kansas.

Read the first time.

On motion of Mr. Laing,

The rules were suspended, and

Joint resolution No. 9 was read second time, and

Referred to Committee of the Whole.

Mr. Hidden introduced bill No. 272, entitled "An act to provide for laying [out] of new townships and establishing election precincts in certain cases."

On motion of Mr. Hidden,

The rules were suspended, and

Bill 272 was read second time, and

Referred to Committee of the Whole.

Mr. Smith introduced bill No. 273, entitled "An act relating to the binding of the laws and the journals of both Houses of the Legislature and the public documents."

On motion of Mr. Smith,

The rules were suspended, and

Bill No. 273 was read a second time, and

Referred to Committee of the Whole.

Mr. Moore introduced bill No. 274, entitled "An act to amend an act to enable the trustees of colleges, academies, universities and other institutions, societies and companies, to become bodies corporate, approved February 9th, 1859."

Read first time.

By consent of the House, the rules were suspended, and

Bill No. 274 was read second and third times.

Bill No. 152, "An act to regulate the taking up and posting of strays," was read the third time.

The question being, Shall the bill now pass? and the ayes and noes being called, resulted as follows:

Ayes, 54.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (21st), Belding, Batsell, Bradley, Brumbaugh, Buck, Camp, Campbell, Craig, Cummings, Donaldson, Draper, Drenning, Ellis, Eskridge, Fleming, Forman, Freeland, Fullington, Glick, Grover, Hawks, Hidden, Houts, Hutchins, Irwin, Johnson (1st), Kenner, Lacock, Laing, Lingo, Miller, Moore, McBride, McCulloch, Pickering, Pile, Reynolds, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Thoman, Trower,

Wakefield, Williams (9th), Williams (18th), Wood,

Nocs, 8.

Gentlemen voting no were—

Messrs. Barnes (21st), Evans, Frost, Hersey, Irwin, Orem, Rogers (54th), Taylor, Walker.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Mr. Camp introduced bill No. 275, entitled "An act to amend an act entitled 'An act creating a State Board of Equalization.'"

Read first time.

By consent of the House, the rules were suspended, and

Bill No. 275 was read second and third time.

House bill 197, "An act defining the boundaries of Butler county," was read third time.

The question being, Shall the bill now pass? the ayes and noes being called, resulted as follows:..

Ayes, 58.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bradley, Brumbaugh, Buck, Craig, Donaldson, Ellis, Eskridge, Evans, Fleming, Forman, Fox, Fresland, Frost, Fullington, Glick, Grover, Hidden, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th), Kenner, Lacock, Laing, Lingo, Moore, McBride, McCulloch, Orem, Pickering, Pile, Reynolds, Rogers (54th), Rogers (60th), Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Trower, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Nocs, 1.

Gentleman voting no was Mr. Hawke.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Bill 220, "An act to change the western boundary line of Osage county," was read third time.

The question being, Shall the bill now pass?

Pending the vote, Mr. Rogers moved a call of the House, and The Sergeant-at-Arms [was ordered] to bring in absentees.

On motion of Mr. Rogers,

Further proceedings under the call of the House were dispensed with.

The question recurring upon the passage of the bill, and

The ayes and noes being called, resulted as follows:

Ayes, 40.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Bartles (8th), Belding, Bottom, Bradley, Buck, Campbell, Craig, Cobb, Donaldson, Ellis, Freeland, Glick, Hidden, Houts, Hutchins, Johnson (1st), Laing, Miller, Moore, McBride, McCulloch, Pickering, Pile, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stratton, Thoman, Trower, Wakefield, Williams (9th).

Noes, 27.

Gentlemen voting no were—

Messrs. Barnes (21st), Batsell, Brumbaugh, Camp, Cavender, Cummings, Draper, Drenning, Eskridge, Evans, Fleming, Forman, Fox, Frost, Fullington, Grover, Hawks, Hersey, Irwin, Johnston (70th), Kenner, Lingo, Orem, Taylor, Walker, Williams (18th), Wood.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to as amended.

Relating to county finances:

Bill 51, "An act to amend an act supplemental to an act to provide for the assessment and collection of taxes," was read the third time.

The question being, Shall the bill now pass?

The ayes and noes being called, the vote resulted as follows:

Ayes, 56.

Gentlemen voting in the affirmative were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Craig, Cummings, Draper, Evans, Fleming, Forman, Fox.



Freeland, Frost, Fullington, Glick, Hawks, Hidden, Houts, Hutchins, Irwin, Johnson (1st), Kenner, Lacock, Laing, Lingo, Miller, Moore, McCulloch, Orem, Pile, Reynolds, Rogers (54th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Thoman, Trower, Wakefield, Walker, Williams (9th), Williams (18th), Wood. Noes, 1.

Gentlemen voting no was Mr. Rogers (60th).

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed, and

The title was agreed to as amended.

Mr. Cobb, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER—The Committee on Engrossed Bills have examined bill No. 51, "An act to amend an act supplemental to an act to provide for the assessment and collection of taxes," bill No. 256, "An act to provide for the appointment of commissioners to locate the State Asylum for the Blind, and defining their duties, and fixing the compensation of said commissioners," bill No. 236, "An act to authorize the city of Atchison to levy tax to pay off judgment," bill No. 93, "An act in reference to the assessment and collection of taxes," and joint resolution No. 5, in reference to grants of lands for railroads," and find the same correctly engrossed.

D. R. COBB,

*Chairman.*

House joint resolution No. 5, in reference to grants of lands for railroads, was read a third time.

The question being, Shall the resolution now pass? the ayes and noes being called, resulted as follows:

Ayes, 29.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Batsell, Campbell, Cavender, Craig, Cobb, Fleming, Forman, Frost, Fox, Johnson (1st), Lacock, Lingo, Laing, Miller, Orem, Pile, Saqui, Saunders, Smith, Sternberg, Stephens, Stone, Taylor, Wakefield, Walker, Wood.

Noes, 21.

Gentlemen voting no were—

Messrs. Bottom, Bradley, Brumbaugh, Buck, Draper, Fox, Hidden, Hutchins, Irwin, Kenner, Snook, Stratton, Thoman.

A constitutional majority not having voted in favor of the passage of the resolution,

So the resolution did not pass.

House bill No. 191, "An act supplemental to an act entitled 'An act to provide for the incorporation of fire, marine and life insurance companies,' approved March 3, 1863," was read third time.

The question being, Shall the bill pass? and the ayes and noes being called, resulted as follows:

Ayes, 48.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (21st), Batsell, Bradley, Buck, Cavender, Chestnut, Cobb, Ellis, Fleming, Forman, Fox, Freeland, Frost, Glick, Hawks, Hidden, Houts, Hutchins, Irwin, Johnson (1st), Laing, Lingo, Miller, Moore, McCulloch, Orem, Pile, Rogers (54th), Rogers (60th), Saqui, Saunders, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Wakefield, Walker, Williams (9th), Williams (18th).

Noes, 0.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Bill No. 217, "An act to amend an act entitled 'An act for the regulation and support of common schools,'" was read third time.

The question being, Shall the bill now pass?

The ayes and noes being called, resulted as follows:

Ayes, 38.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (21st), Belding, Batsell, Buck, Camp, Campbell, Cavender, Craig, Ellis, Evans, Fleming, Forman, Frost, Glick, Hawks, Hidden, Hollinberg, Houts, Hutchins, Irwin, Laing, Lingo, Moore, McCulloch, Orem, Pile, Rogers (54th), Smith, Snook, Stephens, Stone, Stratton, Thoman, Trower, Wakefield, Walker, Williams (9th).

Noes, 7.

Gentlemen voting no were—

Messrs. Cobb, Draper, Fox, Miller, Rogers (60th), Williams (18th.)

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Bill 236, "An act to authorize the city of Atchison to levy tax to pay off judgments," was read third time.

The question being, Shall the bill now pass? the ayes and noes being called, resulted as follows:

Ayes, 42.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (21st), Belding, Batsell, Bottom, Bradley, Buck, Campbell, Cavender, Craig, Cobb, Draper, Ellis, Fleming, Forman, Fox, Hawks, Hollinberg, Houts, Irwin, Johnston (70th), Laing, Lingo, Miller, Moore, McCulloch, Orem, Pile, Rogers (54th), Rogers (60th), Smith, Snook, Stone, Stratton, Taylor, Thoman, Trower, Wakefield, Walker, Williams (9th) Williams (18th), Wood.

Noes, 1.

Gentleman voting no was Mr. Frost.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Bill 235, "An act to amend an act for the regulation and support of common schools, approved May, 1861," was read third time.

The question being, Shall the bill now pass?

The ayes and noes being called, resulted as follows:

Ayes, 44.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Batsell, Bottom, Bradley, Camp, Campbell, Cavender, Craig, Cobb, Draper, Ellis, Evans, Eleming, Forman, Freeland, Frost, Glick, Hawks, Hidden, Hollinberg, Houts, Lang, Lingo, Miller, Moore, McCulloch, Orem, Pickering, Pile, Reynolds, Rogers (54th), Saqui, Smith, Snook, Stephens, Stone,

Stratton, Taylor, Thoman, Trower, Wakefield, Williams (9th), Williams (18th).

Noes, 0.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to:

Bill 253, "An act appropriating money to refund to the Governor expenses incurred for protecting the border," was read third time.

The question being, Shall the bill now pass?

The ayes and noes being called, resulted as follows:

Ayes, 48.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (21st), Bottom, Buck, Camp, Campbell, Craig, Cobb, Cummings, Draper, Ellis, Evans, Fleming, Forman, Fox, Freeland, Frost, Glick, Hawks, Hidden, Hollinberg, Houts, Irwin, Laing, Lingo, Miller, Moore, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Saqui, Saunders, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Trower, Wakefield, Williams (9th), Williams (18th), Wood.

Noes, 1—Batsell.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

On motion, the House adjourned.

#### AFTERNOON SESSION.

2 O'CLOCK, P. M.

House called to order.

Speaker in the chair.

Mr. Forman, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER—The Committee on Enrolled Bills beg leave to report that they have examined the following bills and joint resolutions, and found them correctly enrolled, to wit:

Bill 23, "An act to vacate the streets, alleys and public grounds in certain towns."

Bill 131, "An act to authorize consuls to acknowledge deeds and other instruments."

Bill No. 100, "An act to amend sections 119 and 136 of an act entitled 'An act respecting executors and administrators, of their appointment and removal from office,' approved Feb. 23, 1859."

Joint resolution No. 9, on passing an amendment of section 12 of article 2 of the constitution of the State of Kansas."

And that the same were placed in the hands of the Governor, on Saturday, 20th of February, 1864.

J. FORMAN,

*Chairman.*

Bill 93, "An act to amend an act supplemental to an act to provide for the assessment and collection of taxes," was read the third time.

The question being, Shall the bill now pass? and the yeas and nays being called, resulted as follows:

Ayes, 36.

Gentlemen voting aye were—

Messrs. Alford, Barnes (8th), Batsell, Bottom, Bradley, Cavanaugh, Cobb, Draper, Drenning, Ellis, Forman, Fox, Freeland, Frost, Fullington, Glick, Hawks, Hidden, Houta, Hutchins, Lacgok, Laing, Lingo, Miller, Moore, McBride, Orem, Pile, Reynolds, Saunders, Smith, Snook, Stephens, Stone, Thoman, Wakefield, Williams (9th), Wood.

Noes, 4.

Gentlemen voting no were—

Messrs. Irwin, McCulloch, Taylor, Walker.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }  
TOPEKA, February 20, 1864.

*To the House of Representatives :*

I have approved bill No. 219, "An act to amend an act supplemental to 'An act to provide for the assessment and collection of taxes;'"

Bill No. 130, "An act to amend an act incorporating towns and villages, approved February 1, 1859;"

Bill No. 135, "An act concerning deeds made by town companies;"

Bill No. 23, "An act to vacate the streets, alleys and public grounds in certain towns;"

Bill No. 134, "An act to provide for the limitation of action in certain cases therein described;"

Bill No. 131, "An act to authorize Consuls to acknowledge deeds and other instruments;"

Bill No. 59, "An act to amend an act prescribing the duties of the Reporter of the Supreme Court;"

Joint resolution No. 9, proposing an amendment of section 12, article 2, of the constitution of the State of Kansas;"

Bill No. 100, "An act to amend sections 119 and 136 of an act entitled 'An act respecting executors and administrators, of their appointment and removal from office,' approved February 22, 1859;"

Bill No. 150, "An act supplemental to an act entitled 'An act to incorporate cities of the State of Kansas,' approved March 4, 1862, and authorizing the board of education to issue bonds to purchase school sites and erect buildings thereon."

THOS. CARNEY,

Bill No. 256, "An act to provide for the location of an asylum for the blind," was read third time.

The question being, Shall the bill pass? and the ayes and noes being called, resulted as follows:

Ayes, 42.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Batsell, Bradley, Brumbaugh, Buck, Cavender, Cummings, Ellis, Eskridge, Fleming, Forman, Fox, Free-

land, Frost, Fullington, Glick, Hawks, Hidden, Houts, Hutchins, Irwin, Johnson (1st), Kenner, Lacock, Laing, Lingo, Moore, McBride, McCulloch, Orom, Saunders, Stephens, Stone, Taylor, Thoman, Trower, Wakefield, Walker, Williams (9th), Wood.

Noes, 0.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

Mr. Thoman introduced bill No. 276, entitled "An act to organize University of the State of Kansas."

Read first time.

On motion, the rules were suspended, and

Bill No. 276 was read second time, and

Referred to Committee of the Whole.

The House resolved itself into Committee of the Whole for the consideration of general orders, Mr. Stratton in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back to the House bill 160, and recommended its passage as amended;

Bill 180, and recommended its rejection;

Bill 176, and recommended its passage as amended.

On motion, The House resolved itself into Committee of the Whole for the consideration of general orders, Mr. Wakefield in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back to the House bill No. 192, and recommended its passage;

Bill No. 265, and recommended [that it be] referred to Committee on Accounts;

Bill 250, and recommended the passage of the substitute;

Bill No. 209, and recommended the enacting clause be stricken out.

The report of the Committee of the Whole was agreed to, excepting bill 209, and bill 209 was referred to Committee on Accounts.

Bill 71, and recommended the enacting clause be stricken out;

Bill No. 167, and recommended the passage of the substitute;

Bill No. 177, and recommended its rejection;

Bill No. 207, and recommended its passage;

Bill No. 233, and recommended the enacting clause be stricken out.

Bill No. 261, and recommended that it be substituted for bill 171, and recommended its passage.

The report of the Committee of the Whole was agreed to.

Bills reported favorably on were ordered to be engrossed.

Bill 176, was, on motion, considered engrossed for a third reading.

On motion, House adjourned.

#### EVENING SESSION.

7 O'CLOCK, P. M.

House called to order.

Mr. Wood in the chair.

Mr. Eskridge offered the following concurrent resolution, in reference to grants of lands for railroads.

Laid over under the rules.

Mr. Camp introduced House bill No. 278, entitled "An act to authorize county boards to sell lots upon which the taxes have not been paid," was read third time.

On motion, the rules were suspended, and

Bill No. 278 was read the second time, and

Referred to Committee of the Whole.

Mr. Camp introduced bill 277, entitled "An act to expunge paper towns and cities."

On motion, the rules were suspended, and

Bill No. 277 was read the second time, and

Referred to Committee of the Whole.

On motion,

The House resolved itself into Committee of the Whole for the



consideration of bills 262, 182, and the calendar, Mr. Wood in the chair.

After some time spent therein the committee arose, and, through their chairman, reported back to the House bill No. 262, and recommended its passage as amended;

Reported progress on bill 182 and the calendar, and asked leave to sit again.

The report of the Committee of the Whole was agreed to.

Bills reported favorably ordered engrossed for a third reading.

Mr. Glick obtained leave of absence for the remainder of the session.

Mr. Glick, by consent, presented the petition of John Ream and 140 others, protesting against the passage of the hog law.

Referred to Committee on Agriculture.

Mr. Camp, by consent, introduced the following resolution, which was laid over under the rules:

*Resolved*, That the Auditor of State be authorized to audit the accounts of the Clerks and Sergeant-at-Arms of this House for night sessions.

On motion, the House adjourned.

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### MORNING SESSION.

MONDAY, FEB. 22, 1864, 9 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Reading of Saturday's journal was dispensed with.

Prayer by Rev. Mr. Preston.

Mr. Glick, from Committee on County Seats and County Lines, made the following report, which was adopted :

MR. SPEAKER—Your committee, to whom was referred bill No. 268, have had the same under consideration, and beg leave to report the same back, and recommend its passage, with the following amendments :

Add to the end of section 1st the following: "*Provided, further,* that the County Commissioners of any county may submit the question of issuing bonds to the people as often as they deem proper so to do, at any general election."

2. Add, at the end of 4th section the following: "Said coupons attached to said bonds shall be received for any taxes assessed by any county to pay said coupons attached to the bonds so issued."

G. W. GLICK,  
*Chairman.*

Mr. Rogers, from Committee on Public Institutions, made the following report :

MR. SPEAKER—Your committee, to whom was referred House bill No. 260, "An act to change the location of the Agricultural College," have had the same under consideration, and instruct me to report the same back to the House, without recommendation.

D. ROGERS,  
*Chairman.*

The following communication was received from the Senate :

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has passed, with amendments, bill No. 175, "An act to amend an act entitled 'An act to incorporate cities of the State of Kansas,' approved March 4, 1862," in which amendments the concurrence of the House is respectfully requested.

The Senate has passed bill No. 2, "An act making appropriation for educating the deaf and dumb children of the State of Kansas for the year 1864."

The Senate insists on its amendments to bill No. 144, "An act for the protection of game.

JOHN T. MORTON,  
*Secretary of Senate.*

By consent, the House concurred in Senate amendments to bill No. 175.

The House refused to concur in Senate amendment to bill No. 144;

The ayes and noes being called, with the following result:

Ayes, 34; noes, 24.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (21st), Belding, Batsell, Bottom, Brumtaugh, Buck, Camp, Campbell, Craig, Cummings, Donaldson, Draper, Ellis, Evans, Fleming, Fox, Frost, Hawks, Hutchins, Irwin, Lacock, Lingo, McBride, Orem, Pile, Saqui, Snook, Stephens, Stone, Stratton, Throckmorton, Wakefield, Williams (18th).

Gentlemen voting no were—

Messrs. Alford, Barnes (8th), Cavender, Cobb, Drenning, Eskridge, Grover, Hidden, Houts, Johnson (1st), Laing, Miller, Moore, McCulloch, Pickering, Reynolds, Rogers (54th), Smith, Thoman, Twombly, Walker, Williams (9th), Wood.

Mr. Wood offered the following resolution, which was adopted:

*Resolved*, That the use of this hall to-morrow night be given to Hon. W. F. M. Army, Secretary of New Mexico, to deliver a lecture on the climate, soil and mineral resources of New Mexico and Arizona.

WOOD.

Mr. Wood offered concurrent resolution No. 32, in reference to Santa Fe mail.

On motion, the rules were suspended, and

The resolution was adopted.

Mr. Wood offered concurrent resolution No. 33, in relation to the Atchison, Topeka and Santa Fe Railroad.

On motion, the rules were suspended, and

The resolution was adopted.

The following resolution, offered on previous day, was taken up, and was lost:

*Resolved*, That the Auditor of State be authorized to audit the accounts of Clerks and Sergeant-at-Arms and Doorkeeper of this House for night sessions.

Concurrent resolution No. 31, in reference to grants of land for railroads, offered on previous day, was taken up, and indefinitely postponed.

Mr. Cobb, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER—Your Committee on Engrossed Bills have examined Bill No. 167, "An act to credit Bourbon county with tax," bill 207, "An act to revise an act to establish and charter a ferry across the Missouri river at Wyandotte, approved Feb. 2, 1858, and an act to amend an act to establish and charter a ferry across the Missouri river at Wyandotte, approved Feb. 11, 1859," bill No. 261, "An act to amend an act relating to counties and county officers," and bill No. 250, "An act to change the name of the town and township of Kickapoo," and find the same correctly engrossed.

DAVID R. COBB,  
*Chairman.*

Mr. Lingo offered the following resolution, which was adopted:

*Resolved*, That Gov. W. F. M. Arny be invited to a seat within the bar of this House.

House bill No. 274, "An act to amend an act entitled 'An act to enable the trustees of colleges, academies, universities and other institutions, societies and companies to become bodies corporate,'" was read the third time.

The question being, Shall the bill now pass?

The ayes and noes being called, resulted as follows:

Ayes, 51; noes, 0.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Campbell, Cavender, Chestnut, Craig, Cummings, Donaldson, Ellis, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Grover, Hidden, Houts, Hutchins, Irwin, Johnston (70th), Lacock, Laing, Moore, McBride, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Saqui, Saunders, Smith, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Wakefield, Walker, Williams (9th), Wood.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House bill No. 275, "An act to amend an act entitled 'An act creating a State board of equalization,'" was read the third time.

The question being, Shall the bill now pass? and the ayes and noes being called, resulted as follows:

Ayes, 54; noes, 0.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Belding, Batsell, Bottom, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cummings, Donaldson, Ellis, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Grover, Hersey, Hidden, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th), Lacock, Lingo, McBride, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Saqui, Saunders, Smith, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Wakefield, Walker, Williams (9th), Wood.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House bill No. 176, "An act to provide for the incorporation and regulation of railroad companies," was read the third time.

The question being, Shall the bill pass? the ayes and noes being called, resulted as follows:

Ayes, 51; noes, 3.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Eskridge, Evans, Forman, Fox, Freeland, Frost, Fullington, Grover, Hawks, Hersey, Hidden, Houts, Johnson (1st), Johnston (70th), Lacock, Lingo, McBride, McCulloch, Pickering, Reynolds, Saqui, Saunders, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Messrs. Irwin, Rogers (54th), and Smith, voted no.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House bill No. 167, "An act authorizing the State Auditor to credit Bourbon county with tax," was read the third time.

The question being, Shall the bill now pass?

The ayes and noes being called, resulted as follows:

Ayes, 51; noes, 2.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Fleming, Forman, Fox, Freeland, Frost, Fullington, Grover, Hersey, Hidden, Houts, Hutchins, Irwin, Johnson (1st), Lacock, Lingo, McBride, McCulloch, Orem, Pickering, Reynolds, Saqui, Saunders, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Twombly, Wakefield, Walker, Williams (9th) Williams (18th).

Messrs. Evans and Rogers (54th), voted no.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House bill No. 250, "An act to change the name of the town of Kickapoo city," was read the third time.

The question being, Shall the bill now pass?

The ayes and noes being called, resulted as follows:

Ayes, 55; noes, 2.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Drenning, Ellis, Eskridge, Evans, Forman, Fox, Freeland, Frost, Fullington, Grover, Hawks, Hersey, Hidden, Houts, Hutchins, Irwin, Johnson (1st), Johnston (70th), Lacock, Laing, Moore, McBride, McCulloch, Orem, Reynolds, Rogers (54th), Saqui, Saunders, Smith, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Twombly, Wakefield, Williams (18th), Wood.

Messrs. Walker and Williams (18th), voting no.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House bill 261, "An act to amend an act relating to counties and county officers," was read third time.

The question being, Shall the bill now pass? and the ayes and noes being called, resulted as follows:

Ayes, 47; noes, 3.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Chestnut, Craig, Cobb, Cummings, Donaldson, Ellis, Eskridge, Evans, Forman, Free-land, Frost, Fullington, Grover, Houts, Johnson (1st), Lacock, Lingo, Moore, McBride, McCulloch, Orem, Reynolds, Rogers (54th), Smith, Snook, Stephens, Stratton, Taylor, Thoman, Throckmorton, Twombly, Wakefield, Williams (9th), Williams (18th), Wood.

Gentlemen voting no were—

Messrs. Hawks, Pickering, Johnston (70th).

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

On motion of Mr. Wood,

The vote by which bill No. 207 was ordered to a third reading was reconsidered, and

Bill 207 was referred to a special committee, consisting of Mr. Bottom.

Mr. Cobb, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER—The Committee on Engrossed Bills have examined bill No. 192, "An act for the relief of L. McArthur," bill No. 160, "An act to authorize the county of Wyandotte to subscribe stock in the Union Pacific Railway Company, eastern division," and find the same correctly engrossed.

DAVID R. COBB,

*Chairman.*

House bill No. 160, "An act to authorize the county of Wyandotte to subscribe stock of the Union Pacific Railway Company, eastern division," was read third time.

The question being, Shall the bill now pass?

The ayes and noes being called, resulted as follows:

Ayes, 45; noes, 5.

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Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Batsell, Bottom, Bradley, Brumbaugh, Campbell, Cavender, Chestnut, Cobb, Craig, Cummings, Donaldson, Drenning, Ellis, Eskridge, Evans, Forman, Freeland, Frost, Fullington, Hawks, Hersey, Johnson (1st), Lacock, Lingo, McBride, McCulloch, Pickering, Rogers (54th), Saunders, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Twombly, Wakefield, Walker, Williams (9th), Williams (18th) and Wood.

Gentlemen voting no were—

Messrs. Buck, Grover, Johnston (70th), Reynolds, Smith.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House bill No. 192, "An act for the relief of L. McArthur," was read the third time.

The question being, Shall the bill now pass? the ayes and noes being called, resulted as follows :

Ayes, 28; noes, 26.

Gentlemen voting aye were—

Messrs. Barnes (21st), Bottom, Brumbaugh, Campbell, Chestnut, Cobb, Cummings, Drenning, Ellis, Eskridge, Forman, Fox, Grover, Hersey, Irwin, Johnson (1st), Lacock, McBride, McCulloch, Oram, Pickering, Reynolds, Saunders, Taylor, Thoman, Twombly, Wakefield, Williams (18th).

Gentlemen voting no were—

Messrs. Alford, Ayers, Barnes (8th), Bradley, Camp, Cavender, Craig, Donaldson, Draper, Frost, Hawks, Hidden, Houts, Johnston (70th), Laign, Lingo, Rogers (54th), Smith, Snook, Stephens, Stone, Stratton, Throckmorton, Walker, Williams (9th), Wood.

A constitutional majority not having voted in favor of the passage of the bill,

So the bill did not pass.

Mr. Grover moved that the vote by which bill No. 192 was lost be reconsidered.

Lost.



House bill No. 262, "An act amending an act fixing the fees of the Clerk of the Supreme Court, District Attorneys, county officers, justices of the peace, constables, witnesses, jurors, referees, appraisers and notaries public," was read third time.

The question being, Shall the bill now pass?

Pending the vote, Mr. Johnson moved a call of the House, and the Sergeant-at-Arms was directed to bring in absentees.

Mr. Lacock moved that further proceedings under the call of the House be dispensed with.

Lost.

The question recurring upon the passage of the bill,

The ayes and noes being called, resulted as follows:

Ayes, 49; noes 20.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (8th), Barnes (21st), Batsell, Bottom, Brumbaugh, Buck, Camp, Campbell, Craig, Cobb, Drenning, Fleming, Forman, Fox, Frost, Grover, Hawks, Hidden, Houts, Hutchins, Johnson (1st), Laing, Lingo, Miller, Orem, Pile, Reynolds, Rogers (60th), Saqui, Smith, Stephens, Stone, Thoman, Trower, Twombly, Walker, Williams (9th), Williams (18th).

Gentlemen voting no were—

Messrs. Alford, Bradley, Cavender, Chestnut, Donaldson, Draper, Ellis, Eskridge, Freeland, Hersey, Lacock, McBride, McCulloch, Pickering, Rogers (60th), Saunders, Snook, Stratton, Taylor, Throckmorton, Wakefield.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Mr. Cobb, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER—The Committee on Engrossed Bills have examined bill 262, "A act amending an act fixing the fees of the Clerk of the Supreme Court, District Attorneys, county officers, justices of the peace, constables, witnesses, jurors, referees, appraisers and notaries public," and find the same correctly engrossed.

DAVID R. COBB,

*Chairman.*

Mr. Grover offered the following resolution, which was adopted:  
*Resolved*, That the Sergeant-at-Arms be instructed to furnish, forthwith, to the members of this House, each with a copy of the general appropriation bills.

Bills Nos. 249, 255, and 259 were made special order for Tuesday, at 2 o'clock, P. M.

The House resolved itself into Committee of the Whole on general orders, Mr. Freeland in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back to the House bill No. 128, and recommended its passage as amended.

The report of the Committee of the Whole was agreed to.

Bill reported favorably upon were ordered to be engrossed for third reading.

On motion, the House adjourned.

#### AFTERNOON SESSION.

2 o'clock, P. M.

House called to order.

Speaker in the chair.

Quorum present.

Mr. Wood introduced concurrent resolution No. 34, in relation to Leavenworth and Pawnee Railroad.

Read the first time.

On motion of Mr. Wood,

The rules were suspended, and

Concurrent resolution No. 34 was adopted.

The House resolved itself into Committee of the Whole, on general orders, Mr. Freeland in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back substitute for bill No. 218, and recommended the passage of the substitute.

Also, bill No. 182, and recommended that the enacting clause be stricken out.

Also, bill No. 226, and recommended its passage.

Also, bill No. 224, and recommended its passage.

Also, bill No. 203, and recommended its reference to a special committee, consisting of Messrs. Chestnut, Camp and Ellis.

Also, bill No. 242, and recommended that the enacting clause be stricken out.

Also, bill No. 222, and recommended that the enacting clause be stricken out.

Also, bill 232, and recommended its passage.

Also, bill 252, and recommended its passage.

Also, bill 241, and recommended its passage.

Also, bill 243, and recommended its passage.

Also, bill No. 248, and recommended that the enacting clause be stricken out.

Also, bill 258, and recommended its passage.

Also, bill 263, and recommended the enacting clause be stricken out.

Also, bill 216, and recommended its passage.

Also, bill 218, and recommended its passage.

Report of Committee of the Whole was agreed to.

Bills reported favorably ordered to be engrossed for third reading.

Bill No. 270 was, by consent, ordered to be engrossed for a third reading.

The following communication was received from the Senate:

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has passed, with amendments herewith transmitted, bill No. 199, "An act to provide for the expenses of the militia incurred in the protection of the State, in the years 1861, 1862, 1863, and 1864, and payment of the same," in which amendments the concurrence of the House is respectfully requested.

JOHN TAMMORTON, JR.

Secretary of Senate.

The House concurred in Senate amendments to bill 199.  
On motion, the House adjourned until 9 o'clock to-morrow.

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MORNING SESSION.

TUESDAY, FEB. 23, 1864, 9 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Prayer by the Rev. Mr. Steele.

Mr. Buck, from Committee on Accounts, made the following report:

MR. SPEAKER—Your Committee have had under consideration House bill No. 209, and report the same back to the House without recommendation.

C. A. BUCK,

*Chairman.*

MR. SPEAKER—Your Committee on Accounts have had under consideration House bill No. 265, on the account of J. C. Douglas, and report the same back to the House and recommend the passage of the following substitute.

C. A. BUCK,

*Chairman.*

Mr. Forman, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER—The Committee on Enrolled Bills ask leave to report that they have examined the following bills and found them correctly enrolled, and said bills were placed in the hands of the Governor for his consideration, on Monday, February 22, 1864:

Bill No. 94, "An act to provide for the sale of school lands."

Bill No. 126, "An act for the protection of bridges."

JOHN W. FORMAN,

*Chairman.*

The committee further report that bill No. 2, entitled "An act making appropriation for educating the deaf and dumb children of the State of Kansas," was found correctly enrolled, and placed in the hands of the Governor on Monday, February 22, 1864.

FORMAN,

*Chairman.*

The following communication was received from the Senate, and the House concurred in the Senate concurrent resolution No. 19.

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has concurred in the report of the joint committee of conference on the disagreeing vote of the two Houses, on Senate amendments to bill No. 37, "An act to regulate the granting of pardons."

The Senate has passed bill No. 201, "An act to authorize the assessment of real estate in Douglas county."

Bill No. 187, "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the city of Lawrence,' approved June 4, 1861."

Bill No. 231, "An act attaching the counties of Jefferson and Jackson to the third judicial district."

Bill No. 211, an act relating to those who observe the day commonly called Saturday, as the Sabbath."

The Senate has adopted Senate concurrent resolution No. 19, asking Congress to donate twenty acres of military reservation for a site of State Penitentiary, in which the concurrence of the House of Representatives is respectfully requested.

JOHN T. MORTON,

*Secretary of Senate.*

Mr. Wood offered the following resolution, which was adopted:

*Resolved*, That the Committee on Public Lands be and they are hereby instructed to examine the claims of Robert McBratney and S. D. Thurston, for locating over 400,000 acres of land for the benefit of the State, and report as to the justness of said claims, and the effect of refusing to allow it.

Mr. Cobb, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER—The Committee on Engrossed Bills have exam-

ined bill No. 268, "An act authorizing the several counties lying along the line of the Atchison, Topeka and Santa Fe railroad, and its branches, to subscribe capital stock of the Atchison, Topeka and Santa Fe railroad company."

Also, bill No. 128, "An act to provide for the use of the interest of the endowment of the State Normal School, substituted by bill 170."

Also, bill No. 213, "An act in reference to the Territorial taxes paid since 1858."

Also, bill No. 226, "An act to provide for the payment of the professors of the State Agricultural College."

Also, bill No. 324, "An act to provide for the collecting of money due to the school fund."

Also, bill No. 232, "An act to amend section 225 of an act to establish a code of civil procedure, approved February 11, 1859."

Also, bill No. 252, "An act authorizing the purchase of certain lots and improvements in Topeka, for State purposes."

Also, bill No. 241, "An act to authorize railroad companies of the States of Missouri and Kansas to construct bridges and maintain ferries across the Missouri river."

Also, bill No. 243, "An act to abolish certain streets, alleys, public grounds and town lots in the town of Hampden."

Also, bill No. 258, "An act to provide for holding an election for electors for President and Vice President of the United States, and to amend an act entitled 'An act to regulate elections and to prescribe the qualifications of voters, and to prevent illegal voting.'"

Also, bill No. 216, "An act concerning the estates of persons dying without heirs or will."

Also, bill No. 218, "An act to amend an act providing for the selecting and summoning of grand and petit jurors, approved February 11, 1859," and find the same correctly engrossed.

DAVID R. COBB,

*Chairman.*

House bill No. 224, "An act to provide for the collection of money due the school fund," was read the third time.

The question being, Shall the bill now pass? and the yeas and noes being called, resulted as follows:

Ayes, 45; noes, 1.

Gentlemen voting ayes were—

Messrs. Alford, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Buck, Campbell, Cavender, Chestnut, Craig, Donaldson, Draper, Drenning, Ellis, Evans, Fleming, Fox, Freeland, Frost, Fullington, Grover, Hawks, Hidden, Houts, Irwin, Johnson (1st), Kenner, Lacock, Lingo, Moore, McBride, McCulloch, Orem, Pickering, Pile, Reynolds, Saqui, Saunders, Smith, Snook, Stephens, Sternberg, Stone, Stratton, Taylor, Thoman, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Mr. Ayers voted no.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Bill No. 268, entitled, "An act to authorize the several counties lying along the line of the Atchison, Topeka and Santa Fe Railroad and its branches to subscribe to the capital stock of the Atchison, Topeka and Santa Fe Railroad Company," was read third time.

The question being, Shall the bill now pass? the ayes and noes being called, resulted as follows:

Ayes, 49; noes, 6.

Gentlemen voting ayes were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Brunbaugh, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Eskridge, Evans, Forman, Fox, Freeland, Fullington, Hidden, Houts, Johnston (70th), Lacock, Lingo, Miller, Moore, McBride, Orem, Pickering, Reynolds, Saqui, Saunders, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Wood.

Gentlemen voting noes were—

Messrs. Bradley, Frost, Hawks, Pile, Smith, Williams (18th).

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House bill No. 125, "An act to provide for the sale of the interest

of the endowment of the State Normal School," substituted by bill 170, was read the third time.

The question being, Shall the bill now pass? the ayes and noes being called, resulted as follows:

Ayes, 42; noes, 15.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (21st), Belding, Bottom, Bradley, Brumbaugh, Buck, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Eskridge, Evans, Fox, Frost, Fullington, Grover, Hawks, Houts, Irwin, Lingo, Moore, McBride, Orem, Pickering, Pile, Saunders, Smith, Snook, Stone, Stratton, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (18th).

Gentlemen voting no were—

Messrs. Barnes (8th), Drenning, Hidden, Irwin, Johnson (1st), Lacock, Miller, Reynolds, Saqui, Sternberg, Stephens, Taylor, Williams (9th), Wood.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Bill No. 213, "An act in reference to the Territorial taxes paid since 1858," was read the third time.

The question being, Shall the bill now pass?

The ayes and noes being called, resulted as follows:

Ayes, 52; noes, 9.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Bottom, Bradley, Brumbaugh, Camp, Campbell, Cavender, Chestnut, Craig, Cummings, Draper, Drenning, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Grover, Hawks, Hidden, Houts, Irwin, Johnson (1st), Kenner, Lacock, Lingo, Miller, Moore, McCulloch, Orem, Pile, Saqui, Saunders, Smith, Snook, Stephens, Stone, Stratton, Taylor, Throckmorton, Trower, Wakefield, Williams (18th), Wood.

Gentlemen voting no were—

Messrs. Donaldson, McBride, Pickering, Reynolds, Sternberg, Thoman, Twombly, Walker, Williams (9th).



A constitutional majority having voted in favor of the passage of the bill,

So the bill passed, and

The title was agreed to.

Bill No. 226, "An act to provide for the payment of the professors in the State Agricultural College," was read the third time.

The question being, Shall the bill now pass?

The ayes and noes being called, resulted as follows:

Ayes, 42; noes, 9.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (21st), Bottom, Bradley, Brumbaugh, Buck, Campbell, Cavender, Craig, Cummings, Donaldson, Draper, Eskridge, Evans, Fleming, Fox, Frost, Fullington, Grover, Hidden, Houts, Kenner, Lingo, Moore, Orem, Pickering, Pile, Reynolds, Saunders, Smith, Snook, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twumbley, Wakefield, Williams (18th), Wood.

Gentlemen voting no were—

Messrs. Barnes (8th), Batsell, Camp, Chestnut, Drenning, Forman, Freeland, Hawks, Irwin, Johnson (1st), Lacock, Miller, McBride, McCulloch, Saqui, Sternberg, Stephens, Walker, Williams (18th).

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House bill No. 232, "An act to amend section 525 of an act to establish a code of civil procedure, approved February 11, 1859," was read third time.

The question being, Shall the bill now pass?

The ayes and noes being called, resulted as follows:

Ayes, 54; noes, 0.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Camp, Campbell, Chestnut, Craig, Donaldson, Draper, Drenning, Ellis, Emery, Eskridge, Evans, Fleming, Fox, Freeland, Frost, Fullington, Grover, Hawks, Hidden, Houts, Irwin, Johnson (1st), Kenner, Lacock, Lingo, McBride, McCulloch,

Pickering, Pile, Reynolds, Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House bill No. 252, "An act to authorize the purchase of certain lots and improvements in Topeka, for State purposes," was read the third time.

The question being, Shall the bill now pass?

Pending the vote, Mr. Cummings moved a call of the House.

The Sergeant-at-Arms was directed to bring in absentees.

On motion of Mr. Grover,

Further proceedings under the call of the House were dispensed with.

The question recurring upon the passage of the bill, and

The ayes and noes being called, resulted as follows:

Ayes, 54; noes, 10.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (21st), Belding, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Drenning, Ellis, Eskridge, Evans, Forman, Fox, Freeland, Frost, Fullington, Grover, Hawks, Hiddet, Houts, Hutchins, Johnson (1st), Kenner, Liaga, Miller, Moore, McBride, Pickering, Pile, Reynolds, Saunders, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Gentlemen voting no were—

Messrs. Barnes (8th), Betsell, Bottom, Irwin, Lacey, McCaffeth, Orem, Saqui, Smith, Sternberg.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Bill 241, "An act to authorize railroad companies of the State of Missouri and Kansas to construct bridges and maintain ferries across the Missouri river," was read third time.

The question being, Shall the bill now pass? and the ayes and noes being called, resulted as follows:

Ayes, 58.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Cummings, Donaldson, Draper, Ellis, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Grover, Hawks, Hutchins, Irwin, Kenner, Lacock, Lingo, Miller, Moore, McBride, McCulloch, Orem, Pickering, Pile, Reynolds, Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Noes, 1—Barnes (8th).

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Bill No. 248, "An act to abolish certain streets, alleys, public grounds and town lots in the town of Hampden," was read third time.

The question being, Shall the bill pass? the ayes and noes being called, resulted as follows:

Ayes, 56.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Donaldson, Draper, Ellis, Eskridge, Fleming, Fox, Freeland, Frost, Fullington, Grover, Hawks, Houts, Hutchins, Irwin, Kenner, Lacock, Lang, Lingo, Miller, Moore, McCulloch, Orem, Pickering, Pile, Reynolds, Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th).

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Bill No. 258, "An act to provide for holding an election for electors for President and Vice President of the United States, and to amend an act entitled 'An act to regulate elections and prescribe the qualifications of voters, and to prevent illegal voting,'" was read third time.

The question being, Shall the bill now pass?

The ayes and noes being called, resulted as follows:

Ayes, 54.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Draper, Drenning, Ellis, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Grover, Hawks, Houts, Hutchins, Irwin, Lacock, Lingo, Miller, Moore, McCulloch, Orem, Pickering, Pile, Reynolds, Saqui, Saunders, Smith, Snook, Stephens, Sternberg, Stone, Taylor, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Noes, 0.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Bill 216, "An act concerning the estate of persons dying without heirs or will," was read third time.

The question being, Shall the bill pass? and the ayes and noes being called, resulted as follows:

Ayes, 55.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Donaldson, Draper, Drenning, Ellis, Eskridge, Fleming, Forman, Fox, Freeland, Frost, Fullington, Hawks, Houts, Hutchins, Irwin, Johnson (1st), Lacock, Lingo, Miller, Moore, McCulloch, Orem, Pile, Reynolds, Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Noes, 0.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House bill 218, "An act to amend an act providing for the selecting and summoning of grand and petit jurors, approved Feb. 11th, 1859," was read the third time.

The question being, Shall the bill now pass?

The ayes and noes being called, the vote resulted as follows:

Ayes, 55.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Cobb, Donaldson, Draper, Drenning, Ellis, Eskridge, Evans, Fleming, Fox, Freeland, Frost, Fullington, Grover, Hawks, Houts, Hutchins, Irwin, Johnson (1st), Lacock, Miller, Moore, McCulloch, Orem, Pile, Reynolds, Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Williams (9th), Williams (18th).

Noes, 0.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed, and

The title was agreed to.

Mr. Ellis, from special committee, made the following report:

MR. SPEAKER—The special committee to whom was referred bill No. 203, "An act to provide in part for the erection of the State Insane Asylum at Osawatimie," would respectfully recommend that \$2,000 be appropriated for the maintenance of insane persons, for the year 1864, and that the same be made a part of the appropriation bill.

ELLIS,

*Chairman*

On motion, the vote by which bill No. 270 was engrossed for a third reading was reconsidered, and

Referred to a special committee, consisting of the Doniphan county members.

Mr. Moore offered concurrent resolution No. 35, in reference to memorializing Congress to modify the act to allow the Leavenworth, Lawrence and Fort Gibson Railroad to unite with the Leavenworth, Lawrence and Western Railroad Company.

On motion, the rules were suspended, and

Concurrent resolution No. 35 was adopted.

By consent, Mr. Cummings introduced bill No. 279, entitled "An act to authorize the board of County Commissioners of Shawnee county to issue bonds for the purpose of building a bridge across the Kansas river."

The rules were suspended, and

Bill No. 279 was read second time, and

Referred to Committee of the Whole.

Mr. Cummings offered the following resolution, which was referred to Committee on Accounts:

*Resolved*, That the Auditor of State be hereby authorized to audit the account of the Assistant Chief Clerk, the Docket Clerk, the Assistant Journal Clerk, and the Sergeant-at-Arms, for service at night sessions.

The following message was received from the Senate:

MR. SPEAKER—I am instructed to inform the House of Representatives that the Senate has indefinitely postponed bill No. 185, "An act relating to the government and corporate powers of the city of Topeka."

The Senate has passed the following bills:

Bill 202, "An act in reference to the Quindaro and Saline State road."

Bill 238, "An act to authorize Morris county to issue bonds to build a jail."

Bill 166, "An act to vacate certain streets and alleys."

Bill 205, "An act to amend an act entitled "An act to incorporate the Leavenworth, Lawrence and Ft. Gibson Railroad."

Bill No. 245, "An act to convey a certain park or public ground to a school district for school purposes."

Bill No. 157, "An act detaching the counties of Butler, Irving and Otoe from the county of Lyon, and attaching the same to the county of Chase, for judicial purposes."

BILL No. 223, "An act to amend an act entitled 'An act to regulate agencies of insurance companies not incorporated by the State of Kansas,' approved February 20, 1868."

Bill No. 236, "An act to authorize the city of Atchison to levy a tax to pay off judgments."

Bill 197, "An act defining the boundaries of Butler and Chase counties."

Bill 245, "An act to authorize certain cities to collect delinquent taxes and assessments."

Bill 200, "An act in relation to aliens."

Bill 184, "An act relating to a proposed reform in spelling in the English language."

The Senate has passed, with amendments herewith transmitted, the following bills:

Bill 186, "An act providing for the enrollment, organization, discipline and pay of the militia."

Bill 212, an act entitled "An act to authorize the counties of Potawatomi, Riley, Davis, Dickinson and Saline to issue bonds for the purpose of building bridges."

Bill 215, "An act declaring the Kansas river not navigable, and authorizing the bridging of the same."

Bill 206, "An act to encourage the construction of bridges over the Kansas river, within the county of Wyandotte."

Bill 181, "An act restraining County Commissioners."

Bill 153, "An act to provide for Commissioners of Immigration."

In which the concurrence of the House is respectfully requested.

The Senate have concurred in House concurrent resolution No. 32, in reference to Santa Fe mail, and House concurrent resolution No. 33, in reference to Atchison, Topeka and Santa Fe Railroad.

JOHN T. MORTON,

*Secretary of Senate.*

House concurred in Senate amendments to bill No. 186, "An act in relation to the organization and pay of the militia."

Also, bills Nos. 186, 212, 215, and concurrent resolution No. 32, in reference to Santa Fe mail, and No. 33, in reference to Topeka, Atchison and Santa Fe railroad company.

WHEREAS, the people of New Mexico, through their Legislature,

have memorialized Congress to establish a daily mail from the Missouri river, *via* Topeka, the capital of Kansas, Fort Larned; to Lyon, Santa Fe, the capital of New Mexico; thence down the Rio Grande, *via* Misudi, to Los Angeles, on the Pacific coast, in California; and whereas, the principal cities of Kansas, Leavenworth, Atchison, Lawrence, Wyandotte, and Kansas City, Missouri, now have a daily mail to Topeka, the capital of Kansas; and whereas, the Legislature has recommended the establishment of a daily mail from Topeka to Council Grove, so as to connect all these cities with the great Santa Fe mail route at that place; therefore,

*Resolved, by the House of Representatives of the State of Kansas, (the Senate concurring therein,) That we cordially second the efforts of the people of New Mexico in favor of said mail route, and that Congress and the Post Office Department are hereby earnestly requested to [increase] service on mail route No. —, from Council Grove to Santa Fe, New Mexico, to six times a week.*

*Resolved, 2nd, That the Secretary of State be directed to send an official copy of these preambles and resolutions to each of our Senators and Representatives in Congress, to the Postmaster General, the President of the United States, the President of the Senate, and the Speaker of the House of Representatives, with the request to present the same to their respective Houses.*

WHEREAS, The speedy completion of the Atchison, Topeka and Santa Fe railroad would greatly facilitate the transportation of the mails, troops and munitions of war from the States to the vast and extensive Territories of the Southwest, and open up to the world the great and exhaustless mineral and agricultural wealth of these Territories, and cement the bonds of our Union by bringing the inhabitants of our vast country into close communication with each other; and whereas, the people of New Mexico, through their Legislature, and Arizona, are justly and earnestly memorializing Congress for a donation of money, bonds and lands to build a railroad from the western boundary of the State of Kansas, to intersect the Atchison, Topeka and Santa Fe railroad through the Territories of Colorado, New Mexico and Arizona, to connect with the Central California railroad; therefore, be it



*Resolved by the House of Representatives, (the Senate concurring therein,) That we earnestly request the Congress of the United States to make a donation in money and bonds, similar to that granted to the Union Pacific Railroad and Telegraph Company, to the Atchison, Topeka and Santa Fe Railroad Company, for the purpose of securing the speedy construction of said railroad and branch.*

*Resolved, That our Senators are hereby instructed, and our Representative is hereby requested, to use all honorable means to secure the objects of the foregoing resolution.*

*Resolved, That the Secretary of State is hereby directed to transmit forthwith to our Senators and Representative in Congress and President of the Senate and Speaker of the House of Representatives a copy of the foregoing preamble and resolutions, with the request that the same may be submitted to Congress for consideration.*

On motion, the House adjourned.

#### AFTERNOON SESSION.

2 O'CLOCK, P. M.

House called to order.

Speaker in the chair.

Quorum present.

The House resolved itself into Committee of the Whole, on special orders, Mr. Saqui in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back to the House bill No. 259, and reported progress; and asked leave to sit again.

Report agreed to.

Mr. Wood moved that a committee of four be appointed to wait upon General Curtis, and ascertain when he will visit the House of Representatives.

The chair appointed Messrs. Wood, Stratton and Ayers.

Mr. Wood presented the claim of ———

Referred to Committee on Ways and Means.

On motion, the House adjourned until Wednesday morning, at 9 o'clock.

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### MORNING SESSION.

WEDNESDAY, FEB. 24, 1864, 9 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Ayers, Belding, Brumbaugh, Emery, Hidden and Irwin.

Reading of yesterday's journal was dispensed with.

Mr. Forman, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER—The Committee on Enrolled Bills ask leave to report that they have examined the following bills, and finding them correctly enrolled, placed them in the hands of the Governor, on Tuesday, 23d day of February, 1864, to wit:

Bill No. 211, "An act relating to those who observe the day commonly called Saturday as the Sabbath."

Bill No. 201, "An act to authorize the re-assessment of real estate in Douglas county."

JOHN W. FORMAN,

*Chairman.*

Bill No. 199, "An act to provide for the expenses of the militia, incurred in the protection of the State in the years 1861, 1862,

1863 and 1864, and payment of the same," has been correctly enrolled, and placed in the hands of the Governor, on Tuesday, Feb. 23, 1864.

FORMAN,

*Chairman.*

By consent, Mr. Cobb and Mr. Pile were excused for the balance of the session.

On motion of Mr. Ellis,

Mr. McBride was excused for the balance of the session.

By consent of the House, Mr. Hawks introduced bill No. 280, entitled "An act to repeal an act entitled 'An act to establish the eastern boundary of Morris county.'"

Read the first time.

On motion of Mr. Hawks,

The rules were suspended, and

Bill No. 280 was read second time, and

Referred to Committee of the Whole.

Mr. Wood offered the following resolution, which was adopted:

*Resolved*, That we extend to our distinguished friend, and the friend of his country, Major General Curtis, our heartfelt thanks for his visit to our capital, and hereby, on behalf of the loyal masses of Kansas, pledge him our hearty co-operation, not only in preserving peace in Kansas, but in bringing about that glorious day, when the Union flag shall wave triumphant over every foot of Union soil, and our country shall be in reality what it is in name, the "land of the free and home of the brave."

The House resolved itself into Committee of the Whole for the consideration of unfinished business, Mr. Saqui in the chair.

After some time spent therein, the committee arose, and reported back bill No. 259, and asked leave to sit again.

By consent, Mr. Wood introduced bill No. 281, entitled "An act in relation to marriages between persons of African descent."

Read the first time.

On motion of Mr. Wood,

The rules were suspended, and

Bill No. 281 was ordered engrossed for a third reading.

By consent, Mr. Bottom introduced bill No. 282, entitled "An act authorizing certain corporations to fix the time and place of holding meetings."

Read first time.

On motion of Mr. Bottom,

The rules were suspended, and

Bill No. 282 was read a second time, and

Was ordered engrossed for a third reading.

Mr. Bottom introduced bill No. 283, entitled "An act to amend an act relating to railroad companies, approved March 5, 1862."

Read first time.

On motion of Mr. Bottom,

The rules were suspended, and

Bill No. 283 was read the second time, and

The rules were again suspended, and

Bill No. 283 was ordered to be engrossed for a third reading.

On motion, the House adjourned.

#### AFTERNOON SESSION.

Two o'clock, P. M.

House called to order.

Speaker in the chair.

Quorum present.

Mr. Wood offered the following resolution, which was laid over:

WHEREAS, a law has passed this Legislature providing for the appointment of a State Geologist; and whereas, Professor G. C. Swallow, of Missouri, State Geologist of that State, possesses a knowledge of this part of the country that will enable him to make a better survey, and give us much more information for the same amount of money than any other man; therefore,

*Resolved*, That the Governor be respectfully asked to appoint him, said Swallow, Geologist of the State of Kansas.

Mr. — introduced concurrent resolution No. 20, memorializing Congress to make provisions for bridging and improving the military roads from Fort Leavenworth, *via* Fort Riley to Fort Larned.

The following communication was received from the Governor :

STATE OF KANSAS, EXECUTIVE OFFICE, }  
TOPEKA, February 24, 1864. }

*To the House of Representatives :*

I have approved bill No. 126, "An act for the protection of bridges."

Bill No. 2, "An act making an appropriation for educating the deaf and dumb children of the State of Kansas, for the year 1864."

Bill No. 94, "An act to provide for the sale of school lands."

Bill No. 199, "An act to provide for the expenses of the militia, incurred in the protection of the State in the years 1861, 1862, 1863 and 1864, and payment of the same."

Bill No. 211, "An act relating to those who observe the day commonly called Saturday, as the Sabbath."

Bill No. 201, "An act to authorize the reassessment of taxes in Douglas county."

Bill No. 197, "An act defining the boundaries of Butler and Chase counties."

Bill No. 200, "An act in relation to aliens."

Bill No. 187, "An act to amend an act entitled 'An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the city of Lawrence,' approved June 4, 1861.'"

Bill No. 175, "An act to amend an act entitled 'An act to incorporate cities of the State of Kansas,' approved March 4, 1862."

Bill No. 37, "An act to regulate the granting of pardons."

Bill No. 212, "An act to authorize the counties of Dickinson and Saline to issue bonds for the purpose of building bridges."

Bill No. 186, "An act providing for the enrollment, organization, discipline and pay of the militia."

Bill No. 166, "An act to vacate certain streets and alleys."

Bill No. 231, "An act attaching the counties of Jefferson and Jackson to the third judicial district."

THOMAS CARNEY.

The following communication was received from the Senate:

*Resolved by the House of Representatives (the Senate concurring therein,) That the Legislature of Kansas do adjourn, sine die, on the first day of March, 1864, at 12 o'clock, M.*

The House resolved itself into Committee of the Whole, on unfinished business, Mr. Saqui in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back bill No. 259, and recommended its passage as amended.

Bill ordered to be engrossed for third reading.

Mr. Forman, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER—The Committee on Enrolled Bills beg leave to report that the following bills have been examined, and found to be correctly enrolled, and were placed in the hands of the Governor on Wednesday, the 24th day of February, 1864, to wit:

Bill No. 37, "An act to regulate the granting of pardons."

Bill No. 231, "An act attaching the counties of Jefferson and Jackson to the third judicial district."

Bill No. 187, "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the city of Lawrence,' approved June 4, 1861."

Bill No. 175, "An act to amend an act entitled 'An act to incorporate cities of the State of Kansas,' approved March 4, 1862."

JOHN W. FORMAN,

*Chairman.*

MR. SPEAKER—The Committee on Enrolled bills ask leave to make the following report: that they have examined the following bills, and find them correctly enrolled, to wit:

Bill 186, "An act to provide for the enrollment, organization, discipline and pay of the militia;"

Bill 184, "An act relating to a proposed reform in spelling;"

Bill 197, "An act defining the boundaries of Butler and Chase counties;"

Bill 212, an act entitled "An act to authorize the counties of Dickinson and Saline to issue bonds for the purpose of building bridges;"

Bill 200, "An act in relation to aliens;"

Bill 166, "An act to vacate certain streets and alleys;"  
And said bills were placed in the hands of the Governor, for his consideration, on Wednesday, Feb. 24, 1864.

JOHN W. FORMAN,

*Chairman.*

MR. SPEAKER—The Committee on Enrolled Bills ask leave to report that they have examined the following bills, and find them correctly enrolled, to wit:

Bill No. 223, "An act to amend an act entitled 'An act to regulate agencies of insurance companies not incorporated by the State of Kansas,' approved Feb. 20, 1864;"

Bill 215, "An act declaring the Kansas and Big Blue rivers not navigable, and authorizing the bridging of the same;"

Bill No. 145, "An act to convey a certain park or public ground to a school district for school purposes;"

Bill No. 206, "An act to encourage the construction of bridges over the Kansas river, within the county of Wyandotte;"

And were placed in the hands of the Governor on Wednesday, Feb. 24, 1864.

JOHN W. FORMAN,

*Chairman.*

House concurred in Senate amendments to the following bills:

MR. SPEAKER—I am instructed to inform the House of Representatives that the Senate has rejected the following bills:

Bill 178, "An act regulating compromises of partners and joint debtors."

Also, bill 225, "An act exempting certain property from sale on execution."

The Senate has concurred in House concurrent resolution No. 29, in reference to adjournment.

The Senate has passed the following bills:

Bill No. 149, "An act for the relief of Moulton G. Farnham."

Bill No. 188, "An act to authorize the Auditor of State to credit Doniphan county with tax."

Bill No. 250, "An act to change the name of the town and township of Kickapoo."

The Senate has adopted House joint resolution No. 6, to provide for cancelling certain State warrants."

The Senate has also passed, with amendments herewith transmitted, bill No. 258, "An act appropriating money to refund to the Governor expenses incurred by him in protecting the State;"

Bill No. 142, "An act to authorize commissioners to change the site of the State Penitentiary;"

Bill 172, "An act to establish certain State roads."

JOHN T. MORTON,  
*Secretary of Senate.*

The following communication was received from the Senate:

MR. SPEAKER—I am directed by the Senate to inform the House of Representatives that the Senate has passed bill No. 254, "An act supplemental to an act to incorporate the city of Paola, approved Feb. 27, 1860."

Also, bill No. 161, "An act to authorize the county of Wyandotte to subscribe stock of the Union Pacific Railway Company, eastern division."

Also, with one amendment, bill No. 243, "An act to abolish certain streets, alleys, public grounds and town lots in the town of Hampden," in which the concurrence of the House is respectfully requested.

The Senate has adopted Senate concurrent resolution No. 20, memorializing Congress to make provisions for bridging and improving the military road from Fort Leavenworth, via Fort Riley, to Fort Larned, and Senate concurrent resolution No. 21, memorializing the war department to construct a bridge across the Republican river at Fort Riley, in which the concurrence of the House is respectfully solicited.

JOHN T. MORTON,  
*Secretary of Senate.*

Mr. Forman offered the following resolution, which was adopted:

*Resolved*, That the Senate be requested to have all bills to which amendments are made by that body, to be engrossed.

FORMAN.

On motion, House adjourned till 9 o'clock to-morrow morning.



## MORNING SESSION.

THURSDAY, FEB. 25, 1864, 9 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Prayer by the Rev. Mr. Parker.

Journal of yesterday read, corrected and approved.

Bill No. 281, "An act in relation to marriages between persons of African descent," was read third time.

The question being, Shall the bill now pass? and the ayes and noes being called, resulted as follows:

Ayes, 53.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st) Belding, Batsell, Bottom, Bradley, Buck, Camp, Cavender, Chestnut, Craig, Cummings, Donaldson, Draper, Eskridge, Fleming, Forman, Fox, Freeland, Frost, Fullington, Hidden, Hutchins, Irwin, Johnson (1st), Johnston (70th), Lacock, Lingo, Miller, Moore, McCulloch, Orem, Pickering, Pile, Reynolds, Rogers (60th), Saunders, Smith, Snook, Sternberg, Stone, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Noes, 9.

Gentlemen voting no were—

Messrs. Brumbaugh, Evans, Hersey, Saqui, Taylor.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

The resolution offered on previous day, in reference to the appointment of Prof. G. C. Swallow as State Geologist, was taken up and rejected.

Mr. Brumbaugh introduced House concurrent resolution No. 36,

memorializing Congress to make provisions for bridging the Big Blue river where the military road from Fort Leavenworth to Forts Henry, Laramie and Bridger crosses said river, which was adopted.

Mr. Wood introduced bill No. 284, entitled "An act to amend an act relating to township officers, approved February 27, 1860."

Read first time.

On motion of Mr. Wood,

The rules were suspended, and

Bill No. 284 was read second time, and

Referred to Committee of the Whole.

Bill No. 282, "An act authorizing certain corporations to fix the time and place of holding meetings," was read third time.

The question being, Shall the bill pass? the ayes and noes being called, resulted as follows:

Ayes, 61.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Cavender, Chestnut, Craig, Cummings, Donaldson, Draper, Eskridge, Evans, Fleming, Forman, Freeland, Frost, Fox, Fullington, Hawks, Hersey, Hidden, Hutchins, Irwin, Johnson (1st), Johnston (70th), Lacock, Lingo, Miller, Moore, McCulloch, Orem, Pickering, Pile, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Smook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Mr. Wood introduced joint resolution No. 10, concerning certain bonds of the State of Kansas.

Read the first time.

On motion of Mr. Wood,

The rules were suspended, and

Joint resolution No. 10 was read second time, and

Referred to Committee of the Whole.

Mr. Bottom introduced bill No. 285, entitled "An act to amend an act incorporating the Leavenworth, Pawnee and Western Railroad company."

On motion of Mr. Bottom,

The rules were suspended, and

Bill No. 285 was read second time, and

Referred to Committee of the Whole.

Mr. Hawks, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER—The Committee on Engrossed Bills have examined House bill No. 259, entitled "An act making appropriations for the current expenses for the year 1864," and find the same correctly engrossed.

A. K. HAWKS,

*Chairman.*

Bill No. 283, "An act to amend an act entitled 'An act relating to railroad companies,' approved March 5, 1862," was read third time.

The question being, Shall the bill now pass? and the ayes and noes being called, resulted as follows:

Ayes, 60.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Battell, Bottom, Bradley, Brumbaugh, Buck, Camp, Cavender, Craig, Cummings, Donaldson, Draper, Eskridge, Evans, Fleming, Forman, Fox, Hawks, Hersey, Hidden, Hutchins, Irwin, Johnson (1st), Johnston (70th), Lacock, Lingo, Miller, Moore, McCulloch, Orem, Pile, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Smith, Snook, Saunders, Stephens, Sternberg, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Bill 259, "An act making appropriations for the current expenses for the year 1864," was read third time.

The question being, Shall the bill now pass?

The ayes and noes being called, the vote resulted as follows:

Ayes, 39.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Belding, Bottom, Bradley, Brumbaugh, Camp, Campbell, Craig, Cummings, Fleming, Forman, Fox, Freeland, Fullington, Hersey, Hidden, Irwin, Johnson (1st), Lacock, Miller, Moore, McCulloch, Pickering, Reynolds, Saqui, Saunders, Smith, Snook, Sternberg, Stone, Stratton, Thoman, Throckmorton, Trower, Twombly, Wakefield, Wood.

Noes, 23.

Gentlemen voting no were—

Messrs. Barnes (21st), Batsell, Buck, Cavender, Donaldson, Draper, Emery, Eskridge, Evans, Grover, Hawks, Hutchins, Johnston (70th), Kenner, Laing, Orem, Pile, Stephens, Taylor, Walker, Williams (18th).

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed, and

The title was agreed to.

The House resolved itself into Committee of the Whole, for the consideration of unfinished business, Mr. Williams in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back to the House bill No. 65, and recommended the passage of the substitute;

Bill 158, and recommended its passage as amended;

Bill No. 209, and recommended the enacting clause be stricken out;

Bill No. 266, and recommended the enacting clause be stricken out;

Bill 249, and recommended the enacting clause be stricken out;

Bill 255, and recommended its passage as amended.

Report of Committee of the Whole was agreed to.

Bills reported favorably upon were ordered to be engrossed.

The following communication was received from the Senate, and bill No. 95 returned:

MR. SPEAKER—I am instructed by the Senate to request from

the House that bill No. 95, "An act to authorize Lyon county to issue bonds," be returned to the Senate.

JOHN T. MORTON,

*Secretary of Senate.*

WHEREAS, the large amount of government transportation, required to meet the wants of the military forces stationed at Forts Kearney, Laramie and Bridger, and dependent upon Fort Leavenworth for supplies; and whereas, the Big Blue river, at Marysville, in the State of Kansas, where said road crosses said river, requires great outlay from government for ferriage of transporting supplies to said military posts; and whereas, great delay is sometimes occasioned to the overland mail to and from the Missouri river, to the Pacific, for the want of a bridge across said river; therefore, be it

*Resolved by the House of Representatives (the Senate concurring,)* That the President and Congress of the United States are hereby earnestly requested to make such provisions as may be necessary to construct a bridge across said river, to facilitate the transportation of supplies west from Fort Leavenworth to Forts Kearney, Laramie and Bridger, and for the troops stationed in the Territories and Idaho, and the mail to and from the Missouri river to the Pacific.

*Resolved,* That the Secretary of State be instructed to forward copies of these resolutions to our Senators and Representatives in Congress, and that they be requested to urge upon the proper officers of the government, and upon Congress, immediate action in the premises.

Mr. Forman, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER—The Committee on Enrolled Bills beg leave to report that they have examined the following bills, and finding them correctly enrolled, placed them in the hands of the Governor, Thursday, February 25, 1864, to wit:

Bill 245, "An act to authorize certain cities to collect delinquent taxes and assessments."

Bill 238, "An act to authorize Morris county to issue bonds to build a jail."

Bill 181, "An act restraining the power of county commissioners."

Bill 286, "An act to authorize the city of Atchison to levy a tax to pay off judgments."

Bill 158, "An act to establish a bureau of immigration, and appoint agents therefor."

Bill 202, "An act in reference to the Quindaro and Salina State Road."

Bill 205, "An act to amend an act entitled 'An act to incorporate the Leavenworth, Lawrence and Fort Gibson Railroad Company.'"

Bill 254, "An act supplemental to an act to incorporate the city of Paola, approved February 27, 1860."

Bill 250, "An act to change the name of the town and township of Kickapoo."

Bill 157, "An act detaching the counties of Butler, Irving and Otoe from the county of Lyon, and attaching the same to the county of Chase, for judicial purposes."

Bill 188, "An act to authorize the Auditor of State to credit Doniphan county with tax."

Bill 149, "An act for the relief of Monlton G. Farnham."

Bill 160, "An act to authorize the county of Wyandotte to subscribe stock of the Union Pacific Railway Company, Eastern Division."

Joint resolution No. 6, to provide for cancelling certain State bonds.

FORMAN,

*Chairman.*

#### AFTERNOON SESSION.

2 O'CLOCK, P. M.

House called to order.

Speaker in the chair.

Quorum present.

The following message was received from the Senate:

House concurred in Senate amendments to bill No. 127, "An act to authorize certain school districts to issue bonds."

Also, to bill No. 210, "An act to encourage the destruction of wolves."

MR. SPEAKER—I am instructed to inform the House of Representatives that the Senate has rejected the following bills:

Bill 80, "An act to restrain dram shops and taverns, and regulate the sale of intoxicating liquors."

Bill 261, "An act to amend an act relating to county and county officers."

The Senate has passed, with amendments, the following bills:

Bill 127, "An act to authorize certain school districts to issue bonds."

Bill 210, "An act to encourage the destruction of wolves."

In which amendments the concurrence of the House is respectfully requested.

The Senate passed, without amendment, bill 256, "An act to provide for the appointment of commissioners to locate the State Asylum for the Blind, and define the duties and fix the compensation of said commissioners;"

Bill 280, "An act authorizing County Commissioners, under certain circumstances, to issue an order prohibiting stock from running at large in the night time;"

Bill 167, "An act authorizing the State Auditor to credit Bourbon county with tax;"

Bill 191, 'An act supplemental to an act entitled 'An act to provide for the incorporation of fire, marine and life insurance companies,' approved March 3, 1863."

JOHN T. MORTON, *Secretary of Senate.*

The House resolved itself into Committee of the Whole on general orders, Mr. Orem in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back bill 193, and recommended its rejection.

Also, bill 251, and recommended its rejection.

Also, bill 269, and recommended its passage.

Also, bill 271, and recommended its passage.

Also, bill 246, and recommended the passage of the substitute.

Also, bill 267, and recommended its rejection.

Also, bill 273, and recommended its passage.

Also, substitute for bill 276, and recommended its passage.

House joint resolution No. 9, and recommended its passage.

Also, bill 278, and recommended the enacting clause be stricken out.

Also, bill No. 260, and recommended that the enacting clause be stricken out.

Also, bill 279, and recommended its rejection.

Also, bill No. 208, and recommended that the enacting clause be stricken out.

Also, bill 284, and recommended its passage.

Also, bill 285, and recommended its passage.

Also, House joint resolution No. 10, and recommended its rejection.

Report of Committee of the Whole agreed to.

Bills reported favorably upon were ordered engrossed for a third reading.

Bill No. 273, "An act relating to the binding of the laws and the journals of both Houses of the Legislature, and public documents," was read third time.

The question being, Shall the bill now pass?

The ayes and noes being called: resulted as follows:

Ayes, 45.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Craig, Donaldson, Ellis, Eskridge, Evans, Freeland, Frost, Grover, Hidden, Irwin, Johnson (1st), Kenner, Lingo, Miller, Moore, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saunders, Smith, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Trower, Twombly, Wakefield, Walker, Williams (9th), Wood.

Noes, 5.

Gentlemen voting no were—

Messrs. Alford, Cummings, Draper, Forman, Fox, Hawks.



A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Mr. Moore introduced bill No. 286, entitled "An act to exempt the county of Leavenworth out of the operations of the act to abolish grand juries, and to provide for the trial of offenses on information."

Read first time.

On motion of Mr. Moore,

The rules were suspended, and

Bill No. 286 was read second time, and

Referred to Committee of the Whole.

Mr. Cummings introduced the following resolution, which was adopted:

*Resolved*, That it is high time our politicians be made to understand that they cannot patronize *whisky shops*, either from taste or as political *machines*, and expect the votes of temperance men at the same time.

On motion, the House adjourned until to-morrow morning at 9 o'clock.

## MORNING SESSION.

Friday, Feb. 26, 1864, 9 o'clock, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Freeland, Frost, Fullington, Hawks, Hersey, Houts and Reynolds.

Prayer by Rev. Mr. Defnuri.

Journal of yesterday read and approved.

Mr. Camp, from select committee, made the following report:

MR. SPEAKER—Your committee, to whom was referred bill No. 270, direct me to report the same back, with the accompanying substitute, and recommend the passage of the substitute.

C. C. CAMP,

*Chairman.*

On motion of Mr. Camp,

Substitute for bill No. 270 was ordered to third reading.

Mr. Forman, by consent, introduced bill No. 287, entitled "An act to authorize the State Treasurer to pay the interest on certain State bonds at the city of New York."

Read the first time.

On motion of Mr. Forman,

The rules were suspended, and

Bill No. 287 was read the second time.

Mr. Cummings, by consent, introduced bill No. 288, entitled "An act to authorize the board of County Commissioners of Shawnee county to issue bonds for the purpose of building a bridge across the Kansas river."

Read the first time.

On motion of Mr. Cummings,

The rules were suspended, and

Bill No. 288 was read second time.

By consent, Mr. Hawks introduced bill No. 289, entitled "An act to convey a certain park."

On motion of Mr. Hawks,

The rules were suspended, and

Bill No. 289 was read the second time.

Read the first time.

Mr. Hawks, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER—Your Committee on Engrossed Bills have examined bills Nos. 276, 285, 284, 277, 240, 269, 158, 271 and 65, and House joint resolution No. 9, and find the same correctly engrossed.

A. K. HAWKS,

*Chairman.*

The following communication was received from the Senate:

MR. SPEAKER—I am instructed to inform the House of Representatives that the Senate has rejected bill No. 262, "An act amending an act fixing the fees of the Clerk of the Supreme Court, District Attorneys, county officers, justices of the peace, constables, witnesses, jurors, referees, appraisers and notaries public."

Also, bill No. 252, "An act authorizing the purchase of certain lots and improvements in Topeka, for State purposes."

Also, bill 113, "An act to establish the fees of Sheriffs of the several counties, for conveying prisoners to the penitentiary, and provide for their payment."

The Senate has failed to pass bill No. 268, "An act to authorize County Commissioners to loan certain moneys therein named to townships"

The Senate has concurred in House concurrent resolution No. 86, memorializing Congress to make provision for bridging the Big Blue river, where the military road from Fort Leavenworth to Forts Kearney, Laramie and Bridger crosses said road.

JOHN T. MORTON;

*Secretary of Senate.*

The following communication was received from the Governor:

STATE OF KANSAS, EXECUTIVE OFFICE,  
TOPEKA, Feb. 26th, 1864.

To the House of Representatives:

I have approved bill No. 145, "An act to convey a certain park or public ground to a school district, for school purposes;"

Bill No. 206, "An act to encourage the construction of bridges over the Kansas river, within the county of Wyandotte;"

Bill No. 215, "An act declaring the Republicans, Kansas, Smoky Hill, Solomon and Big Blue rivers not navigable, and authorizing the bridging of the same;"

Bill 223, "An act to amend an act entitled 'An act to regulate agencies of insurance companies not incorporated by the State of Kansas,' approved Feb. 20th, 1863;"

I herewith return bill No. 184, "An act relating to a proposed reform in spelling," without approval. The bill provides for the appointment of a panel of persons to call on the State, under and

obligations to pay him or them for their services, and, at the same time stipulates that he or they shall receive no compensation.

I sympathize with the manifest desire of the members of the Legislature to improve themselves and their constituents in the art of spelling; but I think the "good old way" furnishes ample opportunity for natural improvement, without placing upon our statute books an act so incongruous as the one in question.

THOS. CARNEY.

Bill No. 65, "An act to provide for the erection of State capitol buildings, and making an appropriation therefor," was read third time.

The question being, Shall the bill now pass?

The ayes and noes being called, resulted as follows:

Ayes, 38; noes, 22.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Buck, Camp, Campbell, Craig, Cummings, Ellis, Evans, Fleming, Forman, Fox, Freeland, Hidden, Hatchins, Johnston (70th), Lingo, Moore, Pickering, Reynolds, Rogers (54th), Rogers (60th), Snook, Sternberg, Stratton, Taylor, Thoman, Trower, Twombly, Wakefield, Walker, Williams (9th), Wood.

Gentlemen voting no were—

Messrs. Alford, Cavender, Donaldson, Draper, Eskridge, Frost, Fullington, Grover, Hawks, Johnson (1st), Keener, McCulloch, Orem, Saqui, Smith, Stephens, Stone, Throckmorton, Williams (18th).

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House bill No. 267, "An act directing the State Auditor to return certain county bonds," was read third time.

The question being, Shall the bill now pass?

The ayes and noes being called, resulted as follows:

Ayes, 56; noes, 1.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Belding, Batsell, Bottom,

Bradley, Buck, Camp, Campbell, Cavender, Craig, Cummings, Donaldson, Draper, Ellis, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Grover, Hawks, Hidden, Hutchins, Johnson (1st), Johnston (70th), Kenner, Lingo, Miller, Moore, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Mr. Smith voted no.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House bill No. 271, "An act supplementary to an act relating to records and proceedings in Douglas county," was read third time.

The question being, Shall the bill now pass? the ayes and noes being called, resulted as follows:

Ayes, 53; noes, 1.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (21st), Belding, Batsell, Bottom, Bradley, Buck, Camp, Campbell, Cavender, Craig, Cummings, Donaldson, Draper, Ellis, Emery, Eskridge, Evans, Forman, Fox, Freeland, Frost, Fullington, Grover, Hawks, Hidden, Hutchins, Johnston, Lingo, Miller, Moore, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Mr. Barnes (8th), voting no.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House bill No. 158, "An act to establish, locate and provide for a House of Refuge for the State of Kansas," was read third time.

The question being, Shall the bill now pass? the ayes and noes being called, resulted as follows:

Ayes, 27; noes, 27.

Gentlemen voting aye were—

Messrs. Barnes (21st), Belding, Bottom, Bradley, Camp, Craig, Cummings, Ellis, Eskridge, Fox, Freeland, Fullington, Hidden, Hutchins, Johnson (1st), Moore, Orem, Rogers (60th), Smith, Snook, Taylor, Thoman, Trower, Twombly, Walker, Williams (9th), Wood.

Gentlemen voting no were—

Messrs. Alford, Ayers, Barnes (8th), Batsell, Campbell, Caven-  
der, Donaldson, Draper, Emery, Evans, Fleming, Frost, Grover,  
Hawks, Johnston (70th), Kenner, Lingo, Miller, McCulloch, Pick-  
ering, Reynolds, Rogers (54th), Saqui, Sternberg, Stephens, Stone,  
Stratton, Wakefield, Williams (18th).

A constitutional majority not having voted in favor of the passage  
of the bill,

So the bill did not pass.

House bill 240, "An act to provide for the adjustment and pay-  
ment of unaudited Territorial claims," was read third time.

The question being, Shall the bill now pass?

The ayes and noes being called, resulted as follows:

Ayes, 18; noes, 38.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (21st), Belding, Bradley, Campbell, Cav-  
ender, Draper, Eskridge, Fleming, Hidden, Johnson (1st), Rogers  
(54th), Rogers (60th), Smith, Snook, Trower, Twombly, Walker,  
Wood.

Gentlemen voting no were—

Messrs. Alford, Barnes (8th), Batsell, Bottom, Brumbaugh, Camp,  
Craig, Cummings, Donaldson, Ellis, Evans, Forman, Fox, Freeland,  
Frost, Fullington, Grover, Hawks, Hutchins, Irwin, Kenner, Lingo,  
Moore, McCulloch, Orem, Pickering, Reynolds, Saqui, Sternberg,  
Stephens, Stone, Stratton, Taylor, Thoman, Wakefield, Williams  
(9th), Williams (18th).

A constitutional majority not having voted in favor of the passage  
of the bill,

So the bill did not pass.

House bill 276; "An act to organize the University of the State  
of Kansas," was read third time.

The question being, Shall the bill now pass? the ayes and noes  
being called, resulted as follows:

Ayes, 52; noes, 2.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Craig, Draper, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Grover, Hawks, Hidden, Hutchins, Irwin, Johnson (1st), Kenner, Lingo, Miller, Moore, McCulloch, Orem, Reynolds, Rogers (54th), Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th) and Wood.

Gentlemen voting no were—

Messrs. Pickering and Smith.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House joint resolution No. 9, concerning certain bonds of the State of Kansas, was read third time:

The question being, Shall the resolution now pass? the ayes and noes being called, resulted as follows:

Ayes, 53; noes, 2.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Craig, Draper, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Fullington, Grover, Hawks, Hidden, Hutchins, Irwin, Johnson (1st), Johnston (70th), Kenner, Lingo, Miller, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood,

Cavender and Frost voted no.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House bill No. 277, "An act to vacate and expunge paper towns and cities," was read third time.

The question being, Shall the bill now pass?

The ayes and noes being called, resulted as follows:

Ayes, 55; noes, 0.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Chestnut, Cummings, Draper, Ellis, Emery, Eskridge, Evans, Forman, Fox, Freeland, Frost, Fullington, Grover, Hawks, Hersey, Hidden, Hutchins, Irwin, Johnson (1st), Johnston (70th), Kenner, Lingo, Miller, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to as amended.

House bill No. 284, "An act to amend an act entitled "An act relating to townships and township officers," was read third time.

The question being, Shall the bill pass? and the ayes and noes being called, resulted as follows:

Ayes, 45; noes, 7.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Brumbaugh, Camp, Campbell, Cavender, Craig, Cummings, Draper, Emery, Eskridge, Forman, Freeland, Frost, Hersey, Hidden, Irwin, Johnson (1st), Johnston (70th), Kenner, Lingo, Miller, Moore, McCulloch, Orem, Reynolds, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Thoman, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Williams (18th) and Wood.

Gentlemen voting no were—

Messrs. Bradley, Buck, Evans, Hawks, Pickering, Rogers (54th), Taylor.

A constitutional majority having voted in favor of the passage of the bill,



So the bill passed.

The title was agreed to.

Substitute for House bill No. 270, "An act to provide for bonding the indebtedness of Doniphan county," was read third time.

The question being, Shall the bill now pass? and the ayes and noes being called, resulted as follows:

Ayes, 46; noes, 1.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Candler, Craig, Cummings, Donaldson, Emery, Eskridge, Evans, Forman, Freeland, Frost, Hersey, Hidden, Johnson (1st), Johnston (70th), Kenner, Lingo, Miller, Moore, McCulloch, Orem, Reynolds, Rogers (54th), Snook, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Mr. Smith voted no.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER—Your Committee on Engrossed Bills have examined Bill No. 255, and find the same correctly engrossed.

House bill 287, "An act to authorize the State Treasurer to pay the interest on certain State bonds at the city of New York," was read third time.

The question being, Shall the bill now pass?

The ayes and noes being called, resulted as follows:

Ayes, 56; noes, 0.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Candler, Craig, Cummings, Donaldson, Draper, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Fullington, Hawks, Hidden, Hutchins, Johnson (1st), Johnston (70th), Kenner, Lingo, Miller, Moore, McCulloch, Orem, Pickering, Reynolds, Rogers (54th)

Rogers (60th), Smith, Snook, Stephens, Stone, Stratton, Thomas, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed, and

The title was agreed to.

House bill No. 288, "An act to authorize the board of County Commissioners of Shawnee county to issue bonds for the purpose of building a bridge across the Kansas river," was read third time.

A call of the House was demanded, and the Sergeant-at-Arms directed to bring in absentees.

On motion,

Further proceedings under the call were dispensed with.

The question recurring on the passage of the bill,

The ayes and noes being called, resulted as follows:

Ayes, 41; noes, 18.

Gentlemen voting aye were—

Messrs. Alford, Barnes (8th), Barnes (21st), Belding, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Craig, Cummings, Donaldson, Emery, Eskridge, Forman, Freeland, Frost, Hawks, Hidden, Hutchins, Irwin, Johnson (1st), Johnston (70th), Kenner, Ling, Moore, McCulloch, Pickering, Reynolds, Rogers (64th), Saqui, Snook, Stratton, Taylor, Thomas, Trower, Twombly, Wakefield, Williams (9th), Wood.

Gentlemen voting no were—

Messrs. Ayers, Batsell, Bottom, Draper, Ellis, Evans, Fleming, Fox, Grover, Miller, Orem, Rogers (60th), Smith, Stephens, Sternberg, Stone, Walker, Williams (18th).

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House bill No. 255, "An act to provide revenue for the year 1864," was read third time.

The question being, Shall the bill pass? and the ayes and noes being called, resulted as follows:

Ayes, 55; noes 0.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Craig, Cummings, Donaldson, Draper, Ellis, Emery, Eskridge, Evans, Forman, Fox, Freeland, Frost, Hawks, Hidden, Hutchins, Irwin, Johnson (1st), Kenner, Moore, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thomas, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House bill 289, "An act concerning a certain park," was read the third time.

The question being, Shall the bill now pass?

The ayes and noes being called, the vote resulted as follows:

Ayes, 55; noes, 0.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Brumbaugh, Buck, Camp, Campbell, Cavender, Craig, Cummings, Donaldson, Draper, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Freeland, Frost, Groves, Hawks, Hidden, Hutchins, Irwin, Johnson (1st), Kenner, Laing, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Smith, Snook, Sternberg, Stephens, Stone, Taylor, Thomas, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed, and

The title was agreed to.

On motion of Mr. Moore,

The vote by which bill No. 285 was ordered to be engrossed for a third reading was reconsidered, and

Referred to a special committee, consisting of Mr. Moore.

Mr. Snook offered the following resolution, which was adopted:

*Resolved*, That there be a committee of three appointed on the part of the House, to act in conjunction with a like committee on the part of the Senate, whose duty it shall be to proceed to take an inventory of all the movable property belonging to the State, now in possession of either House of the Legislature, the executive department, or of any of the State officers, clerks or committees, and to take such measures as in their opinion will secure the preservation of said property, and that said committee be instructed to report, by resolution, bill, or otherwise.

Committee—Messrs. Snook, Potter and Camp.

Mr. Thoman introduced bill No. 290, entitled "An act in relation to the State University grounds."

Read first time.

On motion of Mr. Thoman,

The rules were suspended, and

Bill No. 290 was read a second time, and

Ordered to a third reading.

The following communication was received from the Senate:

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has passed the following bills:

No. 183, "An act to amend an act entitled 'An act to regulate the entries and disposal of town sites.'"

No. 128, "An act to aid the State Normal School."

The Senate has passed, with amendments herewith transmitted, the following bills:

Bill 213, "An act to refund to certain counties the Territorial taxes paid by them for 1860."

No. 236, "An act to provide for the payment of professors of the State Agricultural College."

Bill No. 214, "An act regulating the terms of the District Court of the fifth judicial district."

Bill No. 137, "An act relating to county improvements."

The Senate also passed, with amendments, the joint resolution No. 8, in regard to settlement of matters of difference between the State and R. S. Stevens and H. R. Dutton.

The Senate has passed bill 129, "An act to punish adultery and fornication," with the following amendments:

1st. Amend the title so as to read as follows: "An act to authorize Lyon county to build a jail."

2nd. Strike out all after enacting clause, and insert sections 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of Senate engrossed bills, herewith transmitted, in which amendments the concurrence of the House is respectfully requested.

JOHN T. MORTON,

*Secretary of Senate.*

The House concurred in Senate amendments to bills 213, 226, 214 and 137, and non-concurred in Senate amendments to bill No. 129.

The House concurred in Senate amendments to House joint resolution No. 8.

The ayes and noes being called, resulted as follows:

Ayes, 45; noes 2.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Brumbaugh, Buck, Cavender, Craig, Cummings, Donaldson, Draper, Ellis, Eskridge, Fleming, Forman, Fox, Freeland, Frost, Grover, Hawks, Hidden, Johnson (1st), Kenner, Lingo, Orem, Pickering, Reynolds, Rogers (54th), Saqui, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Thoman, Throckmorton, Trower, Twombly, Wakefield, Williams (9th), Williams (18th).

Rogers (60th) and Wood voting no.

A constitutional majority voting for concurring in the Senate amendments to House joint resolution No. 8,

So the said resolution was concurred in.

On motion, the House adjourned.

## AFTERNOON SESSION.

2 o'clock, P. M.

House called to order.

Speaker in the chair.

Quorum present.

The House resolved itself into Committee of the Whole, on orders of the day, Mr. Fox in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back bill No. 195, and recommended its passage.

Also, bill No. 266, and recommended the enacting clause be stricken out.

Also, bill No. 264, and recommended its rejection.

Report of the Committee of the Whole was agreed to.

Bills reported upon favorably were considered engrossed for a third reading.

On motion of Mr. Wood,

Bill 280, "An act to repeal an act to establish the eastern boundary line of Morris county," was indefinitely postponed.

The House resolved itself into Committee of the Whole on general orders, Mr. Trower in the chair.

After some time spent therein, the committee arose, and, through their chairman, reported back bill No. 266, and recommended its enacting clause be stricken out.

Report of the Committee agreed to.

Mr. Wakefield introduced the following resolution, which was adopted:

*Resolved*, That it is contrary to the rules of this House, and the dignity of this House, and the dignity of the General Assembly of the State of Kansas for members of the House of Representatives to be throwing paper balls at one another when the House is in session.

WAKEFIELD.

Mr. Stratton introduced the following resolution, which was adopted:

*Resolved*, That this Legislature hold no more night sessions.

Mr. Forman, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER—The Committee on Enrolled Bills ask leave to report that the following bills were examined, and being found correctly enrolled, were placed in the hands of the Governor, on Thursday, February 25, 1864, to wit:

Bill 243, "An act to vacate certain streets, alleys, public grounds and town lots in the town of Hampden."

Bill 253, "An act appropriating money to refund to Governor Thomas Carney expenses incurred by him in protecting the State."

JOHN W. FORMAN,

*Chairman.*

MR. SPEAKER—The Committee on Enrolled Bills ask leave to report that they have examined the following bills, and finding them correctly enrolled, placed them in the hands of the Governor, on Friday, Feb. 26th, 1864, to wit:

Bill No. 210, "An act to encourage the destruction of wolves."

Bill 256, "An act to provide for the appointment of commissioners to locate the State Asylum for the Blind, and define the duties and fix the compensation of said commissioners."

Bill 127, "An act to authorize school districts to issue bonds."

Bill No. 191, "An act supplemental to an act to provide for the incorporation of fire, marine and life insurance companies, approved March 2, 1863."

Bill No. 230, "An act to authorize County Commissioners, under certain circumstances, to issue orders prohibiting stock from running at large at night time."

Bill No. 142, "An act to authorize commissioners to change the site of the State Penitentiary."

Bill 167, "An act to authorize the State Auditor to credit Bourbon county with tax."

Bill No. 172, "An act to establish certain State roads."

JOHN W. FORMAN,

*Chairman.*

Mr. Wood introduced the following resolution, which was adopted:

*Resolved*, That the morning session of this House shall commence at 10 o'clock, A. M.

By consent, Mr. Eskridge introduced concurrent resolution No. 37, in relation to soldiers' widows being appointed postmasters.

Read first time.

Laid over under the rules.

By consent, Mr. Eskridge presented the petition of Daniel Stone and others, of Franklin county, asking no further legislation affecting that county.

Read, and referred to Committee on Judiciary.

On motion, the House adjourned.

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### MORNING SESSION.

SATURDAY, FEB. 27, 1864.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Emery, Hersey, Irwin, Kenner, Moore, Rogers (54th), Rogers (60th).

The reading of yesterday's journal was dispensed with.

Mr. Eskridge, by consent, introduced bill 291, entitled "An act authorizing Lyon county to issue bonds to build a jail."

Read the first time.

On motion of Mr. Wood,

The rules were suspended, and

Bill No. 291 was read the second time.

The rules were again suspended, and

Bill No. 291 was, on motion, considered engrossed, and

Ordered to third reading.



House bill No. 291, "An act to authorize Lyon county to issue bonds for the purpose of building a jail," was read third time.

The question being, Shall the bill now pass? the ayes and noes being called, resulted as follows :

Ayes, 48; noes, 1.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Buck, Camp, Campbell, Cavender, Craig, Cummings, Donaldson, Draper, Ellis, Eskridge, Freeland, Grover, Hawks, Hidden, Hutchins, Irwin, Johnson (1st), Lingo, Miller, Moore, McCulloch, Pickering, Saqui, Saunders, Smith, Snook, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Mr. Frost voted no.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Mr. Miller offered the following resolution, which was adopted:

*Resolved*, That Rev. Mr. Steele be allowed the use of this hall on Sabbath next, for the purpose of holding divine service.

House bill No. 285, "An act to incorporate the Leavenworth, Pawnee and Western Railway Company," was read the third time.

The question being, Shall the bill now pass?

The ayes and noes being called, resulted as follows :

Ayes, 50; noes, 0.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Buck, Camp, Campbell, Cavender, Craig, Donaldson, Draper, Eskridge, Fleming, Forman, Fox, Freeland, Frost, Fullington, Grover, Hawks, Hidden, Hutchins, Johnson (1st), Lingo, Moore, McCulloch, Orem, Pickering, Reynolds, Saqui, Saunders, Smith, Snook, Sternberg, Stone, Stratton, Taylor, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

House bill No. 195, "An act to locate the county seat of Jefferson county," was read the third time.

The question being, Shall the bill now pass?

The ayes and noes being called, resulted as follows:

Ayes, 38; noes, 13.

Gentlemen voting aye were—

Messrs. Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Camp, Campbell, Cavender, Craig, Cummings, Draper, Ellis, Forman, Fox, Freeland, Hawks, Hidden, Hutchins, Johnston (70th), Lingo, Miller, Orem, Reynolds, Saqui, Saunders, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Throckmorton, Wakefield, Williams (9th), Williams (18th), Wood.

Gentlemen voting no were—

Messrs. Alford, Ayers, Brumbaugh, Buck, Donaldson, Frost, Fulington, Johnson (1st), Pickering, Smith, Snook, Twombly and Walker.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed.

By consent, Mr. Cummings introduced bill No. 292, entitled "An act authorizing the purchase of lots and improvements in Topeka, for State purposes."

Read the first time,

On motion of Mr. Cummings,

The rules were suspended, and

Bill No. 292 was read the second time.

The rules were again suspended, and

Bill No. 292 was, on motion, considered engrossed and ordered to a third reading.

House bill No. 292, "An act to authorize the purchase of certain lots and improvements in Topeka, for State purposes," was read third time.

The question being, Shall the bill now pass?

The ayes and noes being called, resulted as follows:

Ayes, 39; Noes, 17.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (21st), Belding, Brumbaugh, Camp, Campbell, Cavender, Craig, Cummings, Ellis, Fleming, Forman, Fox, Freeland, Frost, Fullington, Hawks, Hidden, Hutchins, Irwin, Johnson (1st), Johnston (70th), Lingo, Moore, Pickering, Reynolds, Stephens, Stone, Stratton, Thoman, Trower, Wakefield and Wood.

Gentlemen voting no were—

Messrs. Barnes (8th), Batsell, Bottom, Bradley, Buck, Donaldson, Draper, Eskridge, Grover, Orem, Saqui, Smith, Snook, Taylor, Throckmorton, Twombly, Walker, Williams (18th).

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Concurrent resolution No. 37, offered on previous day, in reference to the appointment of soldiers' widows postmasters in this State, was taken up and adopted.

*Resolved by the House of Representatives of the State of Kansas, (the Senate concurring), That the Postmaster General of the United States, be requested to appoint postmasters in this State the widows of deceased soldiers, upon satisfactory evidence of the qualification of the applicant.*

*Resolved, That the Secretary of State forward a copy of these resolutions to the Postmaster General of the United States.*

On motion, the House adjourned.

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## AFTERNOON SESSION.

2 O'CLOCK, P. M.

House called to order.

Speaker in the chair.

Quorum present.

Mr. Sternberg, by consent, introduced bill No. 293, entitled "An act to amend section 16 of an act to amend and consolidate the several acts relating to the city of Lawrence."

*Read first time.*

*On motion, the rules were suspended, and*

*Bill No. 293 was read second time, and*

*Referred to Committee on Judiciary, with instructions to report on Monday morning.*

The following communication was received from the Governor :

STATE OF KANSAS, EXECUTIVE OFFICE, }  
TOPEKA, February 27, 1864. }

*To the House of Representatives :*

I have approved bill No. 147, "An act for the relief of Moulton G. Farnham."

Bill No. 250, "An act to change the name of the town and township of Kickapoo."

Bill No. 254, "An act supplemental to an act to incorporate the city of Paola, approved Feb. 27, 1860."

Bill No. 181, "An act restraining the power of County Commissioners."

Bill No. 253, "An act appropriating money to refund to Governor Thomas Carney, expense incurred by him in protecting the State."

Bill No. 153, "An act to establish a Bureau of Immigration and appoint agents therefor."

Bill No. 202, "An act in reference to the Quindaro and Salina State road."

Bill No. 243, "An act to vacate certain streets, alleys, public grounds and town lots in the town of Hampden."

Bill No. 238, "An act to authorize Morris county to issue bonds to build a jail."

Bill No. 157, "An act detaching the counties of Butler, Irving and Otoe from the county of Lyon, and attaching the same to the county of Chase, for judicial purposes."

Bill No. 245, "An act to authorize certain cities to collect the delinquent taxes and assessments."

Bill No. 188, "An act to authorize the Auditor of State to credit Doniphan county with tax."

Bill No. 236, "An act to authorize the city of Atchison to levy tax to pay off judgments."

Joint resolution No. 6, to provide for cancelling certain State warrants.

THOS. CARNEY.

The following communication was received from the Senate:

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has passed the following bills:

Bill No. 271, "An act supplementary to an act entitled 'An act relating to records and proceedings in Douglas county.'"

Bill No. 65, "An act to provide for the erection of a State capitol building, and making an appropriation therefor."

Bill No. 276, "An act to organize the University of the State of Kansas."

Bill No. 241, "An act to authorize railroad companies of the States of Missouri and Kansas to construct bridges and maintain ferries across the Missouri river"

Bill No. 224, "An act to provide for the collecting of money due to the school fund."

Bill No. 269, "An act directing the State Auditor to return certain county bonds."

Bill No. 270, "An act to provide for the funding of the indebtedness of Doniphan county."

Bill No. 287, "An act to authorize the State Treasurer to pay the interest on certain bonds."

Bill No. 289, "An act to convey a certain park."

The Senate has passed House joint resolution No. 9, concerning certain bonds of the State of Kansas.

JOHN T. MORTON,

*Secretary of Senate.*

The following communication was received from the Senate, and the House concurred in Senate amendments to the following bills:

Bill 155, "An act supplemental to an act entitled 'An act to regulate the elections and to prescribe the qualifications of electors to prevent illegal voting,' approved June 3, 1861, to enable electors of Kansas, absent from the townships or wards of which they are residents, in the military service of the United States, to exercise the right of suffrage."

Bill 268, "An act to authorize the several counties lying along the line of the Atchison, Topeka and Santa Fe. railroad and its branches to subscribe to the capital stock of the Atchison, Topeka and Santa Fe Railroad Company."

Bill 217, "An act to amend an act entitled 'An act for the regulation and support of common schools.'"

Bill 288, "An act to authorize the board of County Commissioners of Shawnee county to issue bonds for the purpose of building a bridge across the Kansas river."

Bill 273, "An act relating to the binding of the laws and the journals of both Houses of the Legislature, and public documents."

Bill 284, "An act to amend an act entitled 'An act relating to townships and township officers,' approved Feb. 27th, 1860."

Bill 216, "An act supplementary to an act respecting executors and administrators, of their appointment and removal from office."

Bill 237, "An act to amend an act entitled "An act providing for the election of township officers,' approved March 26, 1861."

Bill 235, "An act to amend an act for the regulation and support of common schools, approved May, 1861."

Bill 277, "An act to vacate paper towns and cities."

House refused to concur in Senate amendments to bill No. 169, "An act relating to roads."

Also, bill 51, "An act relating to county finances."

Also, bill 93, "An act to amend an act supplemental to an act to provide for the assessment and collection of taxes."

The following communication was received from the Senate:

The Senate has rejected bill No. 152, "An act to regulate the taking up and posting of strays."

Bill No. 281, "An act in relation to marriages between persons of African descent;"

Bill No. 220, "An act to attach a portion of Wabaunsee to Osage county."

The Senate has adopted House joint resolution No. 34, in reference to Lawrence and Pawnee Railroad.

The Senate has concurred in House concurrent resolution asking Postmaster General of the United States to appoint as postmasters

in this State the widows of deceased soldiers, upon satisfactory evidence of the qualification of the applicant:

JOHN T. MORTON,

*Secretary of Senate.*

The following communication was received from the Senate:

MR. SPEAKER—I am directed to inform the House of Representatives that the Senate has passed bill 259, "An act making appropriations for the current expenses for the year 1864," with certain amendments herewith transmitted, in which amendments the concurrence of the House is respectfully requested.

JOHN T. MORTON,

*Secretary of Senate.*

House concurred in Senate amendment to bill No. 259.

Section 1, tenth line—to item of compensation of David Ward, \$165 for services.

The ayes and noes being called, resulted as follows:

Ayes, 29; noes, 22.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Batsell, Bottom, Bradley, Camp, Chestnut, Draper, Fleming, Forman, Fox, Freeland, Grover, Hidden, Irwin, Johnson (1st), Miller, McCulloch, Orem, Rogers (54th), Saqui, Smith, Stephens, Taylor, Wakefield, and Wood.

Gentlemen voting no were—

Messrs. Belding, Campbell, Cavender, Craig, Cummings, Ellis, Eskridge, Evans, Moore, Pickering, Rogers (60th), Saunders, Snook, Sternberg, Stratton, Thoman, Throckmorton, Trower, Twombly, Walker, Williams (9th), Williams (18th).

House non-concurred in Senate amendment to bill 259, section one, in 12th line, in reference to the clerk hire of the Auditor.

The ayes and noes being called, resulted as follows:

Ayes, 28; noes, 29.

Gentlemen voting aye were—

Messrs. Cavender, Craig, Cummings, Donaldson, Ellis, Eskridge, Evans, Frost, Fullington, Irwin, Moore, Rogers (54th), Thoman, Throckmorton, Trower, Twombly, Williams (18th).

Gentlemen voting no were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Camp, Chestnut, Draper, Fleming, Forman, Fox, Freeland, Grover, Hawks, Hersey, Johnson (1st), Miller, McCulloch, Orem, Pickering, Reynolds, Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stone, Stratton, Taylor, Wakefield, Walker, Williams (9th), Wood.

House non-concurred in Senate amendment to bill No. 256. Section 1, 29th line, strike out 100, and insert 50.

The ayes and noes being called, resulted as follows:

Ayes, 26; noes, 28.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Batsell, Bradley, Campbell, Donaldson, Draper, Evans, Fleming, Freeland, Hawks, Hidden, Johnson (1st), Miller, Orem, Smith, Snook, Stephens, Stone, Throckmorton, Trower, Twombly, Wakefield, Williams (18th).

Gentlemen voting no were—

Messrs. Belding, Bottom, Camp, Campbell, Cavender, Chestnut, Craig, Cummings, Ellis, Eskridge, Forman, Frost, Fullington, Grover, Hidden, Irwin, Moore, McCulloch, Pickering, Rogers (54th), Rogers (60th), Saqui, Saunders, Stratton, Taylor, Thoman, Walker, Williams (9th),

House non-concurred in Senate amendment to bill 159.

Section 1, 20th line, strike out 1, and insert 2.

The ayes and noes being called, resulted as follows:

Ayes, 15; noes, 34.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (8th), Belding, Camp, Campbell, Cummings, Evans, Fleming, Pickering, Rogers (60th), Snook, Stratton, Thoman, Trower, Wood.

Gentlemen voting no were—

Messrs. Alford, Barnes (21st), Batsell, Bottom, Bradley, Cavender, Chestnut, Craig, Donaldson, Draper, Eskridge, Forman, Fox, Freeland, Frost, Grover, Hawks, Hidden, Irwin, Johnson (1st), Miller, Moore, McCulloch, Orem, Rogers (54th), Saqui, Saunders, Smith, Taylor, Throckmorton, Twombly, Wakefield, Walker, Williams (9th), Williams (18th).



House non-concurred in Senate amendment to bill 259.

Section 1, 94th line, item \$500 for State Agricultural Society.

The ayes and noes being called, resulted as follows:

Ayes, 26; noes, 26.

Gentlemen voting aye were—

Messrs. Alford, Barnes (8th), Belding, Batsell, Bottom, Campbell, Cavender, Chestnut, Cummings, Donaldson, Ellis, Eskridge, Fox, Grover, Hidden, Johnson (1st), Moore, Smith, Stratton, Thoman, Throckmorton, Trower, Twombly, Wakefield, Williams (9th), Williams (18th).

Gentlemen voting no were—

Messrs. Ayers, Barnes (21st), Bradley, Camp, Craig, Draper, Evans, Fleming, Forman, Freeland, Fleming, Frost, Hawks, Irwin, Miller, McCulloch, Orem, Pickering, Rogers (54th), Rogers (60th), Saqui, Snook, Stephens, Stone, Taylor, Walker, Wood.

House concurred in Senate amendment to bill No. 259.

In section — insert "insurance on Agricultural College."

The ayes and noes being called, resulted as follows:

Ayes, 43; noes, 6.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Camp, Campbell, Cavender, Chestnut, Craig, Cummings, Donaldson, Draper, Ellis, Eskridge, Fleming, Fox, Frost, Grover, Hawks, Hidden, Miller, Orem, Pickering, Reynolds, Rogers (60th), Saqui, Smith, Snook, Stephens, Stone, Stratton, Thoman, Throckmorton, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

Gentlemen voting no were—

Messrs. Bradley, Evans, Forman, Freeland, Johnson (1st), Rogers (54th).

The following communication was received from the Senate:

MR. SPEAKER—I am directed by the Senate to inform the House of Representatives that the Senate has passed, with amendments herewith transmitted, bill No. 255, "An act to provide revenue for the year 1864."

Also, with amendments, bill 218, "An act to amend an act providing for the selection and summoning of grand and petit jurors,

approved Feb. 11, 1859," in which the concurrence of the House is requested.

The Senate has rejected bill No. 292, "An act authorizing the purchase of certain lots in Topeka, for State purposes."

The Senate has passed bill No. 291, "An act authorizing Lyon county to issue bonds to build a jail."

Also, bill No. 195, "An act to provide for the permanent location of the county seat of Jefferson county."

JOHN T. MORTON,

*Secretary of Senate.*

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has passed, with amendments herewith transmitted, bill 275, "An act to amend an act entitled 'An act creating a State Board of Equalization.'"

Also, with amendments, bill No. 290, "An act in relation to the university ground, &c."

The Senate has passed—

Bill No. 274, "An act supplemental to an act entitled 'An act to enable the trustees of colleges, academies, universities and other institutions, societies and companies to become bodies corporate,' approved February 7, 1859."

JOHN T. MORTON,

*Secretary of Senate.*

On motion, House adjourned.

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### MORNING SESSION.

MONDAY, FEB. 27, 1864, 10 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Prayer by Rev. Mr. Parker.

Journal of Saturday read and approved.

Mr. Eskridge offered the following protest, and

On motion of Mr. Wood, the reading of the same was postponed until 2 o'clock, P. M.

The following communication was received from the Senate:

MR. SPEAKER—I am instructed to inform the House of Representatives that the Senate has indefinitely postponed bill No. 176, "An act to provide for the incorporation and regulation of railroad companies."

JOHN T. MORTON,

*Secretary of Senate.*

Mr. Speaker appointed, as a committee on the part of the House, to act in conjunction with committee on part of the Senate, on bills Nos. 259 and 255, Messrs. Wood, Stratton, Cummings, Johnson and Moore.

Mr. Moore offered the following resolution, which was adopted:

*Resolved*, That we unanimously recommend to the Governor the appointment of the Hon. A. Thoman as a Commissioner of Immigration, and that the Chief Clerk be requested to furnish a copy of this resolution to the Governor.

The following communication was received from the Senate:

MR. SPEAKER—The Senate insists on its amendments to section 1 to bill 255, "An act to provide revenue for the year 1864," and respectfully request a committee of conference on the disagreeing votes of the two Houses thereon. Committee on the part of the Senate, Messrs. Lowe, Elliott and Potter.

Senate has rejected bill No. 283, "An act to amend an act entitled 'An act relating to railroad companies,' approved March 5, 1862."

JOHN T. MORTON,

*Secretary of Senate.*

MR. SPEAKER—I am instructed to inform the House of Representatives that the Senate has appointed on the committee of conference, on the part of the Senate, on bill 254 (appropriation bill), Messrs. Spaulding, Sherry and Valentine.

JOHN T. MORTON,

*Secretary of Senate.*

By consent, Mr. Wood introduced bill No. 294, entitled "An act

to provide for the issuing and negotiating of bonds of the State of Kansas, for the construction of the penitentiary."

Read the first time.

On motion of Mr. Wood,

The rules were suspended, and

Bill No. 294 was read second time.

The rules were again suspended, and

Bill No. 294 was ordered to a third reading.

The question being, Shall the bill now pass?

The ayes and noes being called, resulted as follows:

Ayes, 45; noes, 6.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Barnes (8th), Belding, Bottom, Brumbaugh, Camp, Campbell, Cavender, Chestnut, Craig, Cummings, Draper, Ellis, Eskridge, Forman, Fox, Freeland, Fullington, Grover, Hersey, Hidden, Irwin, Johnson (1st), Miller, Moore, McCulloch, Orem, Pickering, Reynolds, Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Trower, Twombly, Wakefield, Walker, Williams (9th), Williams (18th), Wood.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

By consent, Mr. Camp introduced bill No. 296, "An act to enable railroad companies to acquire title to lands for railroad purposes."

Read the first time.

On motion of Mr. Camp,

The rules were suspended, and

Bill No. 296 was read the second time.

The rules were again suspended, and

Bill No. 296 was read third time.

The question being, Shall the bill now pass? the ayes and noes being called, resulted as follows:

Ayes, 44; noes, 7.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (21st), Belding, Bradley, Brumbaugh,

Camp, Campbell, Craig, Cammings, Draper, Eskridge, Fleming, Forman, Fox, Freeland, Fullington, Hawks, Hutchins, Irwin, Johnson (1st), Kenner, Lingo, Miller, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saunders, Smith, Snook, Sternberg, Stone, Stratton, Thoman, Trower, Twombly, Wakefield, Walker, Williams (9th), Wood.

Gentlemen voting no were—

Messrs. Barnes (8th), Batsell, Grover, Hidden, Saqui, Taylor, Williams (18th).

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed:

The title was agreed to.

Mr. Saunders, from Committee on Judiciary, made the following report:

MR. SPEAKER—The Committee on Judiciary have had under consideration House bill No. 293, "An act to amend section 16 of an act to amend and consolidate the several acts relating to the city of Lawrence," and instruct me to report the same back to the House and recommend its passage.

W. R. SAUNDERS;

*Chairman.*

Bill No. 293, "An act to amend section 16 of an act to amend and consolidate the several acts relating to the city of Lawrence," was read third time.

The question being, Shall the bill pass? and the ayes and noes being called, resulted as follows:

Ayes, 48; noes, 1.

Gentlemen voting aye were—

Messrs. Ayers, Barnes (8th), Barnes (21st), Belding, Batsell, Bottom, Bradley, Camp, Campbell, Cavender, Chestnut, Craig, Draper, Ellis, Eskridge, Fleming, Forman, Fox, Frost, Hawks, Hidden, Hutchins, Irwin, Johnson (1st), Kenner, Lingo, Moore, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Rogers (60th), Saqui, Saunders, Smith, Snook, Sternberg, Stone, Taylor, Thoman, Trower, Twombly, Wakefield, Walker, Williams (9th), Wood.

Mr. Miller voted no.

Mr. Eskridge offered the following resolution, which was adopted :  
*Resolved*, That we recommend that the Auditor of State credit and allow to H. A. Burgess, Sergeant-at-Arms of the House, nine dollars, for three days' extra work in preparing this hall, before the assembling of the present session.

The following communication was received from the Governor :

STATE OF KANSAS, EXECUTIVE OFFICE, }  
 TOPEKA, Feb. 24th, 1864. }

*To the House of Representatives :*

I have approved bill No. 142, "An act authorizing commissioners to change the site of the State Penitentiary;"

Bill No. 167, "An act to authorize the State Auditor to credit the county of Bourbon with Territorial tax;"

Bill No. 230, "An act authorizing County Commissioners, under certain circumstances, to issue an order prohibiting stock from running at large in the night time;"

Bill No. 191, "An act supplemental to an act entitled 'An act to provide for the incorporation of fire, marine and life insurance companies,' approved March 2, 1863;"

Bill No. 210, "An act to encourage the destruction of wolves;"

Bill No. 256, "An act to provide for the appointment of commissioners to locate the State Asylum for the Blind, and define the duties and fix the compensation of said commissioners;"

Joint resolution No. 8, providing for a settlement of matters of difference between the State and R. S. Stephens and H. R. Dutton;"

Bill No. 127, "An act authorizing school districts to issue bonds."

THOMAS CARNEY.

Mr. Stratton, from special committee, made the following report :

MR. SPEAKER.—Your special committee, to whom was referred Senate substitute for House concurrent resolution No. 34, in reference to Leavenworth, Pawnee and Western Railroad Company, would beg leave to make the following report :

Your committee would recommend that, in the 28th line, after the word "company," insert "so represented;" 37th line, after the word "company," insert "so represented;" 41st line, after the word "company," insert "so represented;" in 50th line, after word "the," insert "said Samuel Hallett & Company;" 63rd line, after "make,"

insert "Leavenworth;" 64th line, strike out "Wabausee;" 69th line, after "unless," insert "Leavenworth;" and the substitute, as thus amended, should pass.

C. H. STRATTON,

*Chairman Special Committee.*

Mr. Forman, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER—The Committee on Enrolled Bills ask leave to report that they have examined the following bills, and, having found them correctly enrolled, placed them in the hands of the Governor, on Monday, Feb 29, 1864, to wit:

Bill No. 214, "An act to regulate the terms of the District Court in the fifth judicial district."

Bill 183, "An act to amend an act entitled 'An act to regulate the entry and disposal of town sites.'"

Bill No. 220, "An act to provide for the payment of professors in the State Agricultural College."

Bill No. 128, "An act to aid the State Normal School."

Bill 213, "An act to refund to certain counties the Territorial tax paid by them in 1860."

House joint resolution No. 8, in regard to settlement of matters of difference between the State and R. S. Stevens and H. R. Dut-ton.

FORMAN,

*Chairman.*

MR. SPEAKER—The Committee on Enrolled bills ask leave to report that they have examined the following bills, and, finding them correctly enrolled, placed them in the hands of the Governor, on Monday, Feb. 29, 1864, to-wit:

Bill 237, "An act to amend an act entitled 'An act providing for the election of township officers,' approved May 23, 1861."

Bill No. 269, "An act directing the State Auditor to return certain county bonds."

Bill No. 65, "An act in reference to State capitol buildings and capitol grounds."

Bill 216, "An act supplementary to an act respecting executors and administrators, of their appointment and removal from office."

Bill 275, "An act to amend an act creating a State Board of Equalization."

Bill 273, "An act relating to binding of the laws and the journals of both Houses of the Legislature, and the volume of public documents."

Bill 288, "An act to authorize the board of County Commissioners of Shawnee county to issue bonds for the purpose of building a bridge across the Kansas river."

Bill No. 195, "An act to provide for the permanent location of the county seat in and for the county of Jefferson."

FORMAN,

*Chairman.*

Mr. Wood offered the following resolution, which was adopted:

*Resolved by the House of Representatives of the State of Kansas, 1st, That James S. Emery, of Douglas county, is hereby chosen and appointed as referee on the part of the House of Representatives, under and in pursuance to a joint resolution of the State of Kansas, "Joint resolution in regard to a settlement of matters of difference entitled between the State and R. S. Stevens and H. R. Dutton.*

*Resolved, 2nd, That the Chief Clerk be and he is hereby directed to deliver a certified copy hereof to said James S. Emery.*

WOOD.

The following communication was received from the Senate, and concurred in:

MR. SPEAKER—I am directed to inform the House of Representatives that the Senate has passed, with one amendment, in which the concurrence of the House is requested, bill No. 294, "An act to provide for the issue and negotiation of bonds of the State of Kansas for the construction of the penitentiary."

The Senate consents to the request of the House to amend bill No. 260.

JOHN T. MORTON,

*Secretary of Senate.*

Mr. Reynolds introduced concurrent resolution No. 38, memorializing Congress to grant lands to Baker University,  
Which was adopted.

Senate substitute of House concurrent resolution No. 34, in reference to Leavenworth and Pawnee Railroad Company was taken up and concurred in.

The following communication was received from the Senate, and



The House concurred in Senate amendments to bills Nos. 93, 232, 258.

MR. SPEAKER—I am instructed to inform the House of Representatives that the Senate insists on its amendment to section 6 of bill No. 93, "An act supplemental to an act to provide for the assessment and collection of taxes."

The Senate recedes from its amendment to section 15 of bill 169, "An act in relation to roads," and concurs in the amendment made by the House to the Senate amendment to section 19 of said bill.

The Senate has receded from the amendments to sections 9 and 12 of bill No. 51, "An act relating to county finances."

Senate has taken the following action upon bill No. 259, "An act making appropriation for the current expenses for the year 1864:"

6th line—the Senate insists on its amendments to 6th line—clerk hire of Secretary of State.

9th line—the Senate recedes from its amendments to 9th line.

12th line—the Senate insists on its amendments to 12th line, in reference to Auditor's clerk hire.

29th line—the Senate insists on its amendments to 29th line—Law Librarian's salary.

34th—the Senate has receded from its amendments to 34th line and succeeding lines—appropriations to Funk, House and Lidy.

71st line—the Senate recedes from its amendments in 71st line.

93d line—the Senate recedes from its amendments to 93d line.

96th line—the Senate insists on its amendment appropriating \$500 to State Agricultural Society.

96th line—the Senate recedes from its amendment appropriating \$32.00 for papers furnished officers of the Senate.

In 13th line—the Senate insists on its amendment (Clerk hire for Treasurer).

In 20th line—the Senate recedes from its amendment to 20th line (Clerk hire for Adjutant General).

The Senate recedes from its amendment appropriating \$70.00 to Ridenour & Baker.

The Senate non-concurs in the amendment of the House to Senate amendment appropriating \$285.00 to R. McBratney.

The Senate has passed, with amendment, bill No. 232, "An act

to amend section 525 of an act to establish a code of civil procedure, approved Feb. 11, 1859," in which the concurrence of the House is respectfully requested.

The Senate has non-concurred in the amendments made by the House to Senate amendment to bill No. 137, "An act relating to county improvements."

The Senate has passed, with one amendment, bill No. —, in which the concurrence of the House is respectfully requested.

JOHN T. MORTON,

*Secretary of Senate.*

By consent, Mr. Wakefield introduced bill No. 295, entitled "An act for the trial of the right of property and real estate."

Read the first time.

On motion, the rules were suspended, and

Bill No. 295 was read the second time.

The rules were again suspended, and

Bill No. 295 was ordered to a third reading.

The question being, Shall the bill now pass?

The ayes and noes being called, resulted as follows:

Ayes, 15; Noes, 31.

Gentlemen voting aye were—

Messrs. Bottom, Bradley, Draper, Eskridge, McCullagh, Rogers, (60th), Saqui, Saunders, Smith, Snook, Sternberg Stratton, Thoman, Wakefield and Wood.

Gentlemen voting no were—

Messrs. Barnes (8th), Belding, Batsell, Brumbaugh, Camp, Campbell, Cavender, Chestnut, Fleming, Forman, Fox, Freeland, Frost, Fullington, Grover, Hawks, Hersey, Hidden, Irwin, Johnson (1st), Lingo, Miller, Moore, Oram, Reynolds, Stone, Taylor, Trower, Walker, Williams (9th), Williams (18th).

A constitutional majority not having voted in favor of the passage of the bill,

So the bill did not pass.

On motion, the House adjourned.

## AFTERNOON SESSION.

2 O'CLOCK, P. M.

House called to order.

Speaker in the chair.

Quorum present.

Mr. Wood, from Committee of Conference on bill No. 259, made the following report, which was agreed to by the House:

MR. SPEAKER—The Committee of Conference of the two Houses on bill No. 259, on disagreeing vote of the two Houses, instruct us to make the following report:

In the 6th line, Senate amendment, insert "Clerk of Secretary of State, eight hundred dollars," in place of Senate amendment.

In 12th line, Senate printed bill, committee recommend to the House of Representatives to concur in Senate amendment, and allow clerk to Auditor one thousand dollars.

The committee recommend the Senate to recede from their amendment to 29th line, salary librarian.

Committee recommend to Senate to recede from its amendment to line 96.

The committee recommend in 13th line, to strike out "one thousand," but insert "five hundred."

Committee recommend that the Senate concur in House amendment allowing R. McBratney \$142.50 for plats furnished commissioners to locate public lands.

S. N. WOOD,

*Chairman on part of the House.*

A. W. SPAULDING,

*Chairman on part of the Senate.*

Mr. Wood, from committee of conference on bill No. 255, made the following report, which was agreed to by the House:

MR. SPEAKER—The conference committee of the two Houses, on bill No. 255, "An act to provide revenue for the year 1864," have considered the subject of difference in reference to said bill, and

recommend the Senate to recede from its amendment to section 1 of said bill.

J. P. LOWE,

*Chairman of Committee on behalf of Senate.*

S. N. WOOD,

*Chairman of Committee on part of House.*

Mr. Johnson offered the following concurrent resolution No. 39, in reference to capitol buildings, which was adopted:

*Resolved by the House of Representatives (the Senate concurring,)*

That the action of the Secretary of State in accepting the buildings now occupied by the State be and the same is hereby approved and ratified.

Mr. Cummings offered the following resolution, which was laid over under the rules:

*Resolved, That the Secretary of State may grant the use of the hall of the House of Representatives to lecturers and others, to give lectures therein during the year 1864.*

On motion, the House adjourned until 5 o'clock.

FIVE O'CLOCK, P. M.

Mr. Forman, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER—The Committee on Enrolled Bills ask leave to report that they have examined following bills, and, finding them correctly enrolled, placed them in the hands of the Governor, on Monday, February 29, 1864:

Bill No, 270, "An act to provide for bonding the indebtedness of Doniphan county."

Bill 235, "An act to amend an act entitled 'An act for the regulation and support of common schools,' approved May, 1861."

Bill 217, "An act supplemental to an act entitled 'An act for the regulation and support of common schools.'"

Bill 276, "An act to organize the State University."

Bill 271, "An act supplemental to an act entitled 'An act relating to records and proceeding in Douglas county.'"

Bill 274, "An act supplemental to an act entitled 'An act to enable trustees of colleges, academies, universities and other institutions, societies and companies to become bodies corporate,' approved February 9, 1859."

Bill 137, "An act relating to county improvements."

Bill 277, "An act relating to paper towns and cities."

Bill 287 "An act to authorize the State Treasurer to pay the interest on certain State bonds, at the city of New York."

Bill 241, "An act to authorize railroad companies in the States of Missouri and Kansas to construct bridges and maintain ferries across the Missouri river."

Bill 291, "An act to authorize Lyon county to issue bonds to build a jail."

Bill 289, "An act to convey a certain park."

FORMAN,

*Chairman.*

MR. SPEAKER—The Committee on Enrolled Bills ask leave to report that they have examined the following bills, and found them correctly enrolled, to wit:

Bill 290, "An act relating to State University."

Bill 224, "An act to provide for the collection of money due the school fund."

Bill 218, "An act to amend an act providing for the selection and summoning of grand and petit jurors, approved Feb. 11, 1859."

Bill 284, "An act to amend an act entitled 'An act relating to townships and township officers,' approved Feb. 27, 1860."

Bill 155, "An act supplemental to an act entitled 'An act to regulate elections and prescribe the qualifications of electors, and to prevent illegal voting,' approved June 3, 1861, to enable electors of Kansas, absent from the townships or wards of which they are residents, in the employ of this State or of the United States in repelling invasions, suppressing insurrection, to vote for county, district and State officers, and for electors of President and Vice President of the United States."

Joint resolution No. 9, joint resolution concerning bonds of the State of Kansas, and the same were placed in the hands of the Governor on the 29th day of February, 1864.

JOHN W. FORMAN,

*Chairman.*

The following communication was received from the Senate, and House concurred in Senate amendments to bill 296 and House concurrent resolution No. 11.

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives that the Senate has concurred in House concurrent resolution No. 38, memorializing Congress to donate lands to Baker University.

Also, in House concurrent resolution No. 39, in reference to capitol buildings, and has adopted, with one amendment, House concurrent resolution No. 11, memorializing Congress to pay losses of citizens by invasion in 1855, 1856 and 1857.

The Senate has passed, with one amendment, bill 296, "An act to enable railroad companies to acquire title to land for railroad purposes, in which the concurrence of the House is respectfully requested.

The Senate has passed No. 293, "An act to amend section 16 of an act to amend and consolidate the several acts relating to the city of Lawrence."

The Senate has agreed to the reports of the committees of conference on bill No. 255 and bill No 254.

JOHN T. MORTON,

*Secretary of Senate.*

Mr. Eskridge offered the following, which was ordered to be placed upon the journal:

The undersigned, members of the House of Representatives of Kansas, for the session which commenced on the 12th of January, A. D. 1864, in accordance with the provisions of sections 11, article 11, of the constitution of the State of Kansas, do hereby most solemnly and strenuously protest against the passage of House concurrent resolution No. 15, in reference to joint convention of the two Houses, for the purpose of electing a Senator of the United States for the State of Kansas, for the term of six years from and after the 4th day of March, A. D. 1865.

We protest against the passage of said resolution, and the election to be held in pursuance thereof, as a violation of an established rule governing the time of electing Senators, as a surprise upon the people of the State, as a wanton and wicked usurpation of powers with which the people of the State never intentionally clothed the members of this Legislature, as a procedure glaringly inconsistent with that good faith which, under all circumstances, is due to the people from their public servants.

To the end, therefore, that our constituents, in their several districts, and the people of the State at large, may be distinctly informed of the views that have governed the actions of their public servants in relation to this procedure, of such transcendent importance to the people, in every aspect in which it can be regarded, we desire that, as a part of our protest, the following reasons for the course we have deemed it our duty to pursue may be entered upon the journal of the House of Representatives, namely:

1st. Because the election of a Senator at this session, if not contrary to law, is in violation of an established and settled rule of action, which prescribes that Senators of the United States shall be elected by the Legislatures of the several States at the regular session next preceding the occurrence of the vacancy to be filled by such elections; and this rule, unvarying and universal, so settled and established by the concurring practice, usage and custom of every State of the Union, without a single exception from the formation of the government to the present time—known, acted and relied upon as it was by the people when the members of this Legislature were chosen, has acquired, in our judgment, in honor and good conscience, a binding force and obligation at least as great as that of a Legislative enactment, and cannot be violated without a flagrant betrayal of the trust reposed by the people in their representatives.

2nd. Because such election at the present session is unnecessary and uncalled for, inasmuch as another Legislature, composed in both branches of members fresh from the people, will assemble on the second Tuesday in January, A. D. 1865, giving ample time and opportunity for the election of a Senator, by a Legislature elected with special reference to such election, and representing the will of the people in relation thereto.

3rd. Because an election at the present session is unexpected, undesired, a surprise upon the people of the State, against their known will and wishes, and, in our judgment, a high-handed outrage upon their just rights; and, in support of this position, we simply assert that no man of ordinary information and candor can deny that not a single public press or public speaker ever dared to advocate such an election before the commencement of the present session, and that no man or party, no section or faction, ever failed to resent the imputation of such a design as false and slanderous.

And further, we assert upon our honor, as men and as representatives, that at the commencement of the present session, and during the first two weeks of the session, not a member of either House could be found to advocate or favor an election, while all denounced the measure. How so sudden, complete and radical a change of opinion on a matter of so great importance can be accounted for without resorting to the hypothesis that undue or improper influences have been brought to bear, we do not deem it necessary to determine.

4th. Because the members of the present Legislature were not elected with reference to choice of United States Senators, but a majority of them on local and minor issues, with the distinct understanding, on the part of the electors, that custom and usage, if not express legislative enactments had fixed the regular session of 1865 as the time for electing a United States Senator for the term of six years from March 4, A. D. 1865.

5th. Because it is unjust to our citizen soldiers, whose gallant service in the suppression of the slaveholders' rebellion have shed imperishable lustre upon our State, inasmuch as thousands of such soldiers, by reason of absence from their homes, even prevented from casting their suffrages for the members of the present Senate in the fall of 1862, and of the House in the fall of 1863, but many of whom will be able to vote in November next, by reason of the expiration of their term of service.

6th. Because the people of Kansas have, from the very beginning of their existence as a Territory to the present time, ever manifested a resolute and unswerving purpose to maintain and vindicate their legitimate influences and controlling weight in the Govern-



ment, and have never failed to stamp with condemnation any attempt on the part of their representatives to wield the power of the Legislature for any purpose except the legitimate advancement of the common wellbeing; in proof of which we need only refer to the most prominent incidents in our brief but eventful history. For example, the Legislature of 1855 adopted a body of laws designed to fasten the system of human slavery upon the embryo State, at the dictation of a haughty oligarchy, then dominating the National Government, in derogation of the rights and interest of citizens. The people indignantly spurned and repudiated the entire legislation of the slave conspirators, resisted the enforcement of their enactments by force of arms, and triumphantly vindicated their prerogatives as the rightful sovereigns of the soil.

Again, in 1857, the same oligarchic interest passed an act, having all the forms of law, but lacking all its substance, to provide for the formation of a State government, by a convention to assemble at Lecompton. The people treated the enactment with quiet contempt, and refused to be represented in the convention. Afterwards, when the constitution, framed by that convention, having all the forms of law but lacking its vital principle, was attempted to be enforced, the people unanimously repudiated it, and prepared to make good their inalienable rights at all hazards. This majestic attitude of defiance confounded their would-be oppressors, and the gigantic iniquity fell stillborn. Once more, when the Legislature of 1858 attempted the removal of the Territorial capital from Lecompton to Minneola, not to promote the public welfare, but to enhance the value of town lots, donated to members in presumed consideration of their votes; the people, though earnestly desiring the removal from Lecompton, and determined to accomplish it at the earliest moment consistent with honor, honesty and law, promptly and with almost entire unanimity repudiated the corruption perpetrated in their name, and Minneola became a byword of reproach from that time forth. These instances suffice to convince us that the people of Kansas know their rights and are prompt to vindicate them; and that any attempt to forestall their opinion or to mete out their highest honors, place and dignities, without consulting their wishes, will be as futile as it is presumptuous.

And finally, because the proceeding in question is contrary to the letter and spirit of our bill of rights, which declares that "all political powers are inherent in the people," and that "all powers not expressly delegated remain with the people." We hold that the people, by the adoption of the constitution, have delegated no power to the Legislature to elect Senators, except in the manner pointed out by the constitution, and at the time fixed by the universal concurrence of all the States, and we feel that we cannot more fittingly close our protest than by adopting as our own the sentiment of a most earnest and enlightened advocate of free popular government: "Nothing for the people, but by the people; nothing about the people without the people."

M. BARNES,  
J. C. BATSELL,  
H. CAVENDER,  
G. F. DONALDSON,  
WM. DRAPER,  
C. V. ESKRIDGE,  
J. M. EVANS,  
JOSIAH FROST,  
B. E. FULLINGTON,  
O. G. GROVER,  
A. K. HAWKS,  
D. M. JOHNSTON,  
JAMES KENNER,  
B. M. LINGO,  
WILLIAM J. OREM,  
T. J. STERNBERG,  
J. THROCKMORTON,  
JNO. WAKEFIELD,  
J. W. WILLIAMS.

The following communication was received from the Senate:

MR. SPEAKER—I am instructed to inform the House of Representatives that the Senate has passed, with certain amendments, House joint resolution No. 84, in relation to Leavenworth and Pawnee Railroad.

WHEREAS, Congress, at the session of 1861 and 1862, passed an

act to aid in the construction of a railroad and telegraph from the Missouri river to the Pacific Ocean, which act was approved July 1st, 1862; and whereas, section 9 of said act provided that the Leavenworth, Pawnee and Western Railroad Company of Kansas are hereby authorized to construct a railroad and telegraph line from the Missouri river, on the south side thereof, so as to connect with the Pacific Railroad of Missouri, to a point on the 100th meridian of longitude, between the Platte and Republican rivers; and whereas, it appears from the debates on the passage of said act that the principal cities and towns in the Kansas valley were to be points on said road; and whereas, the assignees of the Leavenworth, Pawnee and Western Railroad Company, represented by Samuel Hallett & Co., have not commenced said road on the Missouri river, at the mouth of the Kansas, but at a point on the Kansas river above Wyandotte; and whereas, said company, so represented, has surveyed and located said road to a point three miles north of Lawrence, the largest city in the Kansas valley, and are surveying said road north of Topeka, the capital of Kansas, and are thus avoiding our cities, towns and business centres, to the great injury of the people of the State, as well as the Kansas valley; and whereas, said company, so represented, are now demanding that the people of Wyandotte shall pay one hundred thousand dollars to make the city a point in said road; and whereas, said company, so represented, are demanding a like sum of the people of Lawrence, on condition of being a point in said road; and whereas, a like sum is demanded from the people of Topeka, the capital of the State, to secure it as a point in said road; and whereas, we have good cause to believe that the same policy will be pursued as the road progresses west, and that the said Samuel Hallett & Co. demand large sums of money and bonds from the people of cities and towns along the route of said road, to build this road just were Congress intended it should be built, and this after Congress has placed in the hands of the company means sufficient to build the entire road; therefore,

*Resolved by the House of Representatives, (the Senate concurring therein),* That Congress be earnestly requested to amend the act above referred to, so as to require the Leavenworth, Pawnee and Western Railroad Company, or their assignees, to make Lawrence,

Topeka, Wyandotte, Wabaunsee, Manhattan and Junction City points in said road.

*Resolved*, That the President of the United States be respectfully urged to withhold his approval of the location of said road, unless Wyandotte, Lawrence, Topeka, Manhattan and Junction City are made points in said road: *Provided*, that nothing in these resolutions be construed or understood to affect the original act of the Territory of Kansas, entitled "An act to incorporate the Leavenworth, Pawnee and Western Railroad Company," or to affect the location of the road commencing at Leavenworth, provided for in said act.

*Resolved*, That our Senators be and are hereby instructed, and our Representative requested, to use every honorable means to secure the above proposed amendment to said location.

*Resolved*, That the Secretary of State be directed to send an official copy of this preamble and resolutions to each of our Senators and Representatives in Congress, to the President of the United States; also, to the President of the Senate and Speaker of the House of Representatives, with a request to present the same to their respective bodies.

Adopted by the House; and Senate amendment concurred in March 1st, 1864.

A. R. BANKS,

*Clerk House of Representatives.*

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#### MORNING SESSION.

TUESDAY, MARCH 1, 1864.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Prayer by the Rev. Mr. Preston.

Reading of the journal of yesterday was, on motion, dispensed with.

By consent, the title was inserted in bill 276, "An act to organize the State University of Kansas."

The following communication was received from the Governor :

STATE OF KANSAS, EXECUTIVE OFFICE, }  
TOPEKA, February 29, 1864. }

*To the House of Representatives :*

I have approved bill No. 214, "An act to regulate the terms of the court in the fifth judicial district."

Bill No. 128, "An act to aid the State Normal School."

Bill No. 172, "An act to establish certain State Roads."

Bill No. 160, "An act to authorize the county of Wyandotte to subscribe stock in the Union Pacific Railway Company, eastern division."

Bill No. 226, "An act to provide for the payment of professors and teachers in the Kansas State Agricultural College."

Bill No. 183, "An act to amend an act entitled 'An act to regulate entries and disposal of town sites.'"

Bill No. 205, "An act to amend an act entitled 'An act to incorporate the Leavenworth, Lawrence and Fort Gibson Railroad Company.'"

I herewith return bill 276 without approval, it having no title, as required by section 16, article 2nd of the constitution.

Bill No. 241, "An act to authorize railroad companies of the States of Missouri and Kansas constructing bridges and maintaining ferries across the Missouri river."

Joint resolution No. 9, concerning certain bonds of the State of Kansas."

Bill No. 273, "An act relating to the binding of the laws and journals of both Houses of the Legislature, and volume of public documents."

Bill No. 195, "An act providing for the permanent location of the county seat in and for Jefferson county."

Bill 287, "An act to authorize the State Treasurer to pay the interest on certain State bonds, in the city of New York."

Bill No. 137, "An act relating to county improvements."

Bill No. 224, "An act to provide for the collection of money due the school fund."

Bill No. 290, "An act relating to the State University grounds."

Bill No. 291, "An act to authorize Lyon county to issue bonds to build a jail."

Bill No. 217, "An act supplemental to an act entitled 'An act for the support of common schools,' approved March 2, 1863."

Bill No. 284, "An act to amend an act entitled 'An act relating to townships and township officers,' approved February 27, 1860."

Bill No. 269, "An act directing the State Auditor to return certain county bonds."

Bill No. 271, "An act supplemental to an act relating to records and proceedings in Douglas county," approved Feb. 9, 1864."

Bill No. 275, "An act to amend an act entitled 'An act to create a State Board of Equalization.'"

Bill No. 277, "An act to vacate paper towns and cities."

Bill No. 237, "An act to amend an act entitled 'An act providing for the election of township officers,' approved May 23, 1861."

Bill No. 216, "An act supplementary to an act respecting executors and administrators, of their appointment and removal from office."

Bill No. 288, "An act to authorize the board of County Commissioners of Shawnee county to issue bonds for the purpose of building a bridge across the Kansas river."

Bill No. 270, "An act to provide for bonding the indebtedness of Doniphan county."

Bill No. 274, "An act supplementary to an act entitled 'An act to enable the trustees of colleges, academies, universities, and other institutions, societies and companies, to become bodies corporate,' approved Feb. 7, 1859."

THOS. CARNEY.

Wakefield offered the following resolution, which was adopted:

*Resolved*, That the unanimous thanks of this House be voted to the Hon. Josiah Kellogg, for the able, impartial and distinguished manner in which he has discharged the duties of his office as Speaker of the House of Representatives.

Mr. Ellis offered the following resolution, which was adopted as amended:

*Resolved*, That the thanks of this House be and they are hereby tendered to A. R. Banks, Chief Clerk, J. B. Oliver, Assistant Clerk, H. B. Waldren, Docket Clerk, H. P. Welch, Journal Clerk, J. J. Boyd, Assistant Journal Clerk, H. A. Burgess, Sergeant-at-Arms, and Edward Cobb, his assistant, for the able and faithful manner in which they have discharged their respective duties as officers of the House during this session.

The following communication was received from the Senate:

MR. SPEAKER—I am directed to inform the House of Representatives that the Senate has unanimously agreed to the amendments to bills 276 and 218.

JOHN T. MORTON,

*Secretary of Senate.*

Mr. Emery introduced bill No. 297, entitled "An act making appropriation for pay of Reporter of Supreme Court."

Read first time.

On motion, the rules were suspended, and

Bill No. 297 was read second time.

The rules were again suspended, and

Bill No. 297 was considered engrossed, and ordered to a third reading.

The question being, Shall the bill now pass? the ayes and noes being called, resulted as follows:

Ayes, 45; noes, 0.

Gentlemen voting aye were—

Messrs. Alford, Ayers, Belding, Bottom, Campbell, Cavender, Chestnut, Craig, Donaldson, Draper, Ellis, Emery, Eskridge, Evans, Fleming, Forman, Fox, Freeland, Frost, Hawks, Hersey, Hutchins, Johnson (1st), Johnston (70th), Lingo, Miller, Moore, McCulloch, Orem, Pickering, Reynolds, Rogers (54th), Saunders, Smith, Snook, Sternberg, Stephens, Stone, Stratton, Taylor, Thoman, Twombly, Wakefield, Williams (18th), and Wood.

A constitutional majority having voted in favor of the passage of the bill,

So the bill passed.

The title was agreed to.

Mr. Stratton offered the following resolution, which was adopted:

*Resolved*, That the thanks of this House are due and are hereby

tendered to William R. Saunders, Speaker *pro tem.*, for the able manner in which he has discharged the duties of his office.

The following communication was received from the Senate, and House concurred in Senate amendments to House concurrent resolution No. 34, in reference to Leavenworth and Pawnee railroad.

MR. SPEAKER—I am instructed to inform the House of Representatives that the Senate has amended the House amendment to House concurrent resolution No. 34, in reference to Leavenworth and Pawnee railroad, by striking out "Leavenworth" where it occurs in said amendment, and adding proviso to third resolution, and with these amendments concurs in said House amendments.

The Senate has rejected bill No. 282.

JOHN T. MORTON,

*Secretary of Senate.*

On motion of Mr. Forman,

Joint resolution No. 4, reported back by the special committee, was indefinitely postponed.

Mr. Wakefield offered House concurrent resolution No. 40, in reference to appointing committee to wait on the Governor.

Adopted, and the Speaker appointed as such committee, Messrs. Wakefield, Snook and Stone.

*Resolved by the House of Representatives (the Senate concurring therein,)* That a joint committee be appointed to wait on the Governor and inform him that the two Houses have finished their business, and are now ready to adjourn, and inquire if he has any further communication to make to the Legislature.

The following resolution, offered on previous day, was taken up and adopted as amended:

*Resolved,* That the Secretary of State shall not grant the use of the hall of the House of Representatives to lecturers and others to give lectures during the year 1864.

The following message was received from the Senate:

MR. SPEAKER—I am instructed to inform the House of Representatives that the Senate has passed bill No. 297, "An act making appropriation for pay of Reporter of Supreme Court.

JOHN T. MORTON,

*Secretary of Senate.*



MR. SPEAKER—I am directed to inform the House of Representatives that the Senate has concurred in House concurrent resolution No. 46, appointing committee to wait on Governor.

Committee on part of Senate, Messrs. Ford, Leonard and Oursler.

The Senate has concurred in House concurrent resolution No. 38, memorializing Congress, herewith transmitted.

JOHN T. MORTON,  
*Secretary of Senate.*

Concurrent resolution No. 38:

WHEREAS, The Legislative Assembly of the State of Kansas, by an act approved February 12, 1858, did incorporate Baker University; and whereas, the said Baker University is located at Baldwin City, in the county of Douglas, and is now in successful operation, and is the leading institution of learning in the State; and whereas, on the 21st day of August, 1863, a band of bushwhackers did enter said county of Douglas and destroy more than a million of dollars worth of property, including many farm improvements in the vicinity of said University; therefore, be it

*Resolved by the House of Representatives of the State of Kansas, (the Senate concurring therein),* That we earnestly memorialize the Congress and the President of the United States to grant fifty thousand acres of land to Baker University, to be used as an endowment fund therefor.

*Resolved,* That the Governor be requested to forward a copy of these resolutions to the Senators and Representatives of this State in Congress; and that they be requested to urge upon Congress and the President immediate action in the premises.

Mr. Wakefield, from special committee, made the following report:

MR. SPEAKER—Your committee, appointed to wait on the Governor, and ascertain if he had any further communication to make to this Legislature, beg leave to report that they waited upon him, in accordance with the resolution, and report that he will make his communication at five minutes before 12 o'clock.

JOHN A. WAKEFIELD,  
*Chairman.*

Mr. Forman, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER—The Committee on Enrolled Bills ask leave to report that they examined the following bills, and finding them correctly enrolled, placed them in the hands of the Governor, on Tuesday, March 1, 1864:

Bill 51, relating to County Treasurers.

Bill 296, "An act to enable railroad companies to acquire title to land for railroad purposes."

Bill 293, "An act to amend section 16 of an act to amend and consolidate the several acts in relation to the city of Lawrence."

Bill 258, "An act to provide for an election of President and Vice President of the United States, and to amend an act entitled 'An act to regulate elections, and to prescribe the qualifications of voters, and prevent illegal voting,' approved May 23, 1861."

Bill 294, "An act to provide for the issuing and negotiation of bonds of the State of Kansas, for the construction of the penitentiary."

Bill No. 255, "An act to provide revenue for the year 1864."

Bill No. 93, "An act in reference to the assessment and collection of taxes."

Bill No. 239, "An act making appropriation for the current expenses for the year 1864."

Bill No. 169, "An act in relation to roads."

FORMAN,

*Chairman.*

MR. SPEAKER—The Committee on Enrolled Bills have examined the following bills, and, finding them correctly enrolled, placed the same in the hands of the Governor, on Tuesday, March 1, 1864:

Bill 232, "An act to amend section 525 of an act to establish a code of civil procedure, approved Feb. 11, 1859."

Bill 268, "An act to authorize certain counties to subscribe to and take stock in certain railroad companies, and to issue bonds therefor."

FORMAN,

*Chairman.*

The following communication was received from the Governor:

STATE OF KANSAS, EXECUTIVE OFFICE,  
TOPEKA, March 1st, 1864.

*To the House of Representatives:*

I have approved bill No. 282, "An act to amend section 335 of an act to establish a code of civil proceedings, approved Feb. 11, 1859."

Bill No. 276, "An act to organize the University of the State of Kansas."

Bill No. 268, "An act to authorize certain counties to subscribe to and take stock in certain railroad companies, and issue bonds therefor."

Bill No. 248, an act to refund to certain counties the Territorial taxes paid by them for 1860."

Bill No. 218, "An act to amend an act providing for the election and summoning of grand and petit jurors, approved February 11, 1859."

Bill No. 155, "An act supplemental to an act entitled 'An act to regulate elections and prescribe the qualifications of electors, and to prevent illegal voting, approved June 2, 1861,' to enable electors of Kansas, absent from the township or wards of which they are residents, in the employ of this State or of the United States, in repelling invasion or suppressing insurrection, to vote for county, district and State officers, and for electors for President and Vice President of the United States."

Bill No. 65, "An act in reference to State capitol buildings and capitol grounds."

Bill No. 289, "An act to convey a certain park."

Bill No. 285, "An act to amend an act entitled 'An act for the regulation and support of common schools,' approved May, 1861."

Bill No. 259, "An act making appropriation for the current expenses for the year 1864."

Bill No. 296, "An act to enable railroad companies to acquire title to lands for railroad purposes."

Bill No. 294, "An act to provide for the issue and negotiation of bonds of the State of Kansas for the construction of penitentiary."

Bill No. 258, "An act to provide for holding an election for electors of President and Vice President of the United States, and to

amend an act to regulate elections, and to prescribe the qualifications of voters, and to prevent illegal voting, approved May 28, 1861."

SEN. No. 255, "An act to provide revenue for the year 1862."

Mr. Stratton offered the following resolution, which was adopted, and

Messrs. Stratton and Ellis were appointed said committee.

*Resolved*, That a committee of two be appointed to wait on the Senate, to inquire what further business they have before that body for this House to act upon.

Mr. Erceland offered the following resolution, which was adopted:

*Resolved*, That the thanks of the members of this House are hereby tendered to Hon. J. P. Johnson, of Deming county, for his untiring efforts as chairman of the Committee of Ways and Means.

Mr. Wood offered the following resolution, which was adopted:

*Resolved*, That the Clerk cause to be published in the *Topeka Tribune* all the laws passed during the session of 1861, in accordance with previous resolution.

The Speaker pronounced the House of Representatives adjourned



